



**Asia-Pacific
Economic Cooperation**

2004:

**Committee on Trade and Investment
Annual Report to Ministers**



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FOREWORD AND EXECUTIVE SUMMARY

FOREWORD AND EXECUTIVE SUMMARY

The year 2004 was a year of implementation for the Committee on Trade and Investment. We received very specific instructions from Leaders in Bangkok to conduct work in a number of key areas, which became the Committee's priorities: Support for the WTO, Trade and Investment Facilitation (including strengthening the protection of intellectual property rights); Transparency; Pathfinder Initiatives; and Structural Reform.

Four of these five areas are directly linked to the 2001 Shanghai Accord, which has framed the Committee's work for the past few years. However, we have also adapted to the evolving agenda of APEC Leaders, and have produced results linked to two important APEC-wide initiatives: responding to our Leaders' Security commitments; and implementing their Structural Reform Action Plan. We also contributed to an important priority of Chile, the host of the APEC process in 2004: making RTAs and FTAs in the region more transparent.

This report provides an overview of CTI's work in 2004 as well as a number of specific recommendations to Ministers. (See Section on Recommendations)

The Committee has changed some its processes in 2004 in order to make its work more efficient. We have adopted priorities, and then developed clear work plans, with objectives and expected results early on in the year. These objectives are outlined in the various sections of this report, along with our results, which include:

- A number of activities in support of the WTO, including capacity building seminars that trained officials from developing economies in a range of WTO issues. CTI's agreement in February 2004, to work to have Ministers support the launch of trade facilitation in the WTO was helpful in shaping the MRT Statement in Pucon. CTI's work on the identification of a list of IT products on which tariffs could be eliminated could also make a significant contribution to the WTO's work in this area.
- As mandated by Leaders and Ministers, CTI organized an Expanded Dialogue on Trade Facilitation in 2004. The event resulted in a positive assessment of APEC economies' implementation of the 2002 Trade Facilitation Action Plan, but also highlighted areas where more work is needed. As a result of the Expanded Dialogue on Trade Facilitation, CTI elaborated recommendations for Ministerial endorsement in three areas: strengthening and deepening the implementation of concrete trade facilitation actions and measures; working more closely with business; and working together to advance trade facilitation negotiations in the WTO. Details are included in Section 2 and Appendix 1 of this report.
- CTI and its sub-fora organized several trade facilitation-related capacity building programs that trained officials from developing economies in areas such as customs procedures and standards harmonization.
- Economies continued to implement the APEC Comprehensive Strategy on the Protection of Intellectual Property Rights, which involves, among other actions, setting up IPR Service Centers.
- APEC economies adopted a series of transparency standards on government procurement. APEC now has transparency standards in nine areas. CTI also updated its Individual Action Plan (IAP) templates to reflect these Standards, therefore assisting economies in tracking their implementation of the Standards. Economies also worked on identifying a series of measures that individual economies could implement to deal with transparency-related issues of key concern to the business community.

- CTI agreed on a strategy to improve the effectiveness of Pathfinder Initiatives, and a number of member economies joined ongoing Pathfinders. Australia and Canada joined the Pathfinder Statement on Trade and the Digital Economy, Malaysia announced its intention to participate in part II of the Electrical and Electronic Equipment MRA, Russia joined the Pathfinder on the Revised Kyoto Convention on the simplification and harmonization of customs procedures, and Chinese Taipei joined the Sectoral Food MRA Pathfinder, as well as the electronic SPS certificates and electronic certificates of origin (ECO) Pathfinders.
- APEC Economies and CTI sub- fora organized and implemented a number of capacity building projects in response to the APEC Structural Reform Action Plan. They also continued their work on an APEC-OECD Integrated Checklist on regulatory reform, which will be completed in 2005.
- CTI contributed to the work program of Senior Officials on bilateral and regional free trade agreements through the development of an Individual Action Plan (IAP) template on RTAs and FTAs.
- Two CTI sub- fora, the Business Mobility Group, and the Sub-Committee on Customs Procedures, have continued to make an important contribution to APEC's security agenda, through work on issues such as customs integrity, document security, Advance Passenger Information (API) Systems, and an initiative on a Regional Movement Alert List (RMAL) System.
- This year, CTI has increased its efforts to reach out to business: We have enjoyed very close collaboration with the APEC Business Advisory Council, and even co-organized the APEC Expanded Dialogue on Trade Facilitation with ABAC. We have also continued to engage with business in the context of our three industry dialogues, on Chemicals, the Automotive Industry, and Life Sciences. We have also prepared the ground for a successful launch of our fourth industry dialogue, on non-ferrous metals, next year.

The outcomes listed above and throughout this report result from the hard work and spirit of cooperation of all CTI members. I would like to thank all of them for making 2004 a very good year for APEC's trade and investment agenda.



Alan Bowman
 Chair
 APEC Committee on Trade and Investment



SECTION I:

SUPPORT FOR THE WTO

INTRODUCTION

The Committee on Trade and Investment's role is to provide a coherent APEC perspective and voice on global trade and investment issues, and to increase cooperation among members on these issues. CTI's work is aimed at helping and encouraging APEC member economies to, either individually or collectively, liberalize and facilitate trade and investment within the APEC region, consistent with relevant World Trade Organization (WTO) agreements, so as to achieve the Bogor Goals of free and open trade and investment. This work is supported by economic and technical cooperation (ECOTECH) initiatives, which are primarily aimed at building capacity in member economies to assist them in undertaking trade and investment liberalization and facilitation. CTI is the primary vehicle for the implementation of instructions of APEC Leaders and Ministers on trade and investment issues.

The CTI oversees eleven sub-groups as well as four industry dialogues. CTI also works closely with other Committees, Task Forces and Working Groups to ensure that Leaders and Ministers' instructions on trade and investment issues are implemented in a coordinated manner.

CTI's work benefits the business community as it is often undertaken through partnerships between the public and business/private sectors, hence contributing to the overall prosperity of APEC economies.

The CTI Annual Report to Ministers for 2004 outlines the Committee's accomplishments and recommendations in the key priority areas of APEC's Trade and Investment Liberalization and Facilitation (TILF) agenda.

While the Collective Action Plans (CAPs) in various *Osaka Action Agenda* (OAA) issue areas, which were first reported in 1996, remain the Committee's main vehicle for advancing APEC's trade and investment agenda, CTI also adopted a short list of five priorities on which it focused its work in 2004: support for the WTO; trade and investment facilitation (including IPR); implementation of the APEC Transparency Standards; Implementation of Pathfinder Initiatives; and Contribution to the APEC Structural Reform Action Plan. Five small groups of "friends of the Chair", comprising between 5-12 economies, were established to develop work plans with clear time frames, objectives and deliverables in 2004 in all five areas.

In addition to these five work plans, CTI has also undertaken work related to a number of other APEC-wide priority areas in 2004, including regional and bilateral free trade agreements, implementation of APEC's security commitments, and APEC reform.

I. SUPPORT FOR THE WTO

Objectives:

In 2004, CTI adopted a clear work plan on support for the WTO. While CTI support for the WTO has been a key priority since the establishment of the Committee, CTI innovated this year by bringing all its WTO-related work together into a coherent work plan anchored around the following objectives:

- Make concrete contributions by CTI to the WTO sections of the Ministers Responsible for Trade (MRT), APEC Ministerial Meeting (AMM) and APEC Economic Leaders' Meeting (AELM) declarations for the

successful conclusion of DDA, in the areas as agreed in the Bangkok Leaders' Declaration.

- Continue to provide capacity building activities to help economies understand WTO issues, participate in WTO negotiations and implement WTO obligations.
- Help APEC economies better coordinate their WTO capacity building assistance.
- Increase confidence on trade facilitation and other new issues.

- Recommend that at the MRT, APEC Ministers support the launch of WTO negotiations on trade facilitation.
- Use the Trade Facilitation Mid-Term Review to discuss APEC's contribution to trade facilitation discussions in the WTO.
- Identify information technology products that could be propose to the WTO for possible tariff elimination in consultation with the APEC Geneva Caucus.
- Assist SOM in developing a working relationship with the APEC Geneva Caucus, and ensuring that APEC receives sufficient input from Geneva before the MRT.
- Raise awareness of APEC transparency commitments in Geneva.
- Identify non-tariff measures of importance to APEC and how these could be taken up in the DDA in consultation with the Geneva Caucus.
- Identify obstacles faced by SMEs that could be addressed through WTO negotiations
- To assist non-WTO APEC members' efforts in obtaining early WTO full membership.

Results:

These objectives, which were adopted at the Committee's first meeting in February 2004, framed its work for the rest of the year, and led to the following key results:

- The Statement issued by APEC Ministers Responsible for Trade in June 2004 in Pucon, Chile was one of the strongest and most specific ever issued. It contained key references to almost all the elements agreed in the February CTI work program, including an agreement by APEC Ministers Responsible for Trade to support the launch of trade facilitation negotiations in the WTO, an important breakthrough that helped ensure progress on this issue a few weeks later in Geneva.
- CTI sub-fora organized several capacity building activities (listed in accompanying table) aimed at helping developing

economies better understand WTO issues, participate in WTO negotiations, and better implement their WTO obligations.

- CTI's WTO Capacity Building Group submitted data on behalf of APEC to the OECD/WTO integrated database, a vital instrument to better coordinate WTO capacity building activities. The Group also organized a very successful workshop on best practices in WTO capacity building activities which discussed coordination and involved the OECD, the WTO Secretariat, the World Bank, the Asian Development Bank, and several other key partners.
- As a result of the CTI Expanded Dialogue on Trade Facilitation, CTI agreed to recommend that Ministers support recommendations from ABAC on advancing trade facilitation negotiations in a WTO context (see Appendix I for the series of recommendations resulting from the APEC Expanded Dialogue on Trade Facilitation for more details).
- The CTI Chair worked to enhance communication between APEC and the WTO, including the presentation of a paper on APEC's work on trade facilitation to the Geneva Caucus and to members of the WTO's Africa, Caribbean and Pacific (ACP) Group.
- CTI welcomed a Seminar on WTO Trade Facilitation in Thailand in November 2004.
- CTI also agreed to organize an APEC/WTO Roundtable on Trade Facilitation in Geneva in early 2005.
- CTI took note of the Market Access Group's (MAG) progress to develop an indicative list of IT products on which tariffs could be removed. As there was no consensus on this issue at the last MAG meeting, CTI agreed that work should continue to finalize a list that Ministers could consider at the AMM.
- CTI welcomed the Chemical Dialogue's work on specific non-tariff measures recognizing that this work is being undertaken to support the WTO.

Table 1: Work in response to CTI Priority: Support for the WTO by Sub-forum

SUB-FORA	WORK UNDERTAKEN
Market Access Group (MAG)	<p>MAG worked to develop an indicative list of information technology (IT) products for possible tariff elimination. Mexico presented a separate list of IT products for unilateral tariff elimination.</p> <p>MAG contributed to the development of a capacity building project to run two trade negotiations training courses for developing economies. The training courses will be delivered in Brunei and China in December 2004.</p> <p>MAG finalized and posted on the MAG website a paper on <i>Best Practice in WTO Domestic Consultations</i>.</p> <p>MAG members continued to update their tariff data for inclusion in the WTO Integrated Database and the APEC Tariff Database.</p>
Group on Services (GOS)	<p>GOS continued to monitor developments in WTO services negotiations through a WTO Watch Group. GOS also enhanced communication between GOS and Geneva-based delegations of APEC economies by reporting GOS activities and receiving feedback from the APEC Geneva Caucus.</p> <p>GOS exchanged information and discussed suggestions concerning issues being deliberated at the WTO, in particular, WTO capacity building in support of GOS members' preparations for successful participation in WTO services negotiations.</p> <p>GOS agreed to hold a symposium on the ways in which rules and regulations related to mode 4 could be made more transparent on the margins of 2005 SOM I.</p> <p>GOS agreed to hold a symposium on mutual recognition in professional services on the margins of 2005 SOM I.</p> <p>GOS discussed services critical to electronic commerce, including discussing how to define express delivery services, and agreed to take this work (which is conducted under the 2002 Leader's Pathfinder Statement on Trade and the Digital Economy) forward in 2005.</p>
Sub-committee on Standards and Conformance (SCSC)	<p>SCSC monitored the developments in the WTO TBT and SPS Committees and considered proposals that could contribute to the work in these Committees.</p> <p>SCSC organised two major conferences: the 3rd Conference on Good Regulatory Practices and the 5th Conference on Standards and Conformance on the margins of its 2nd meeting in Santiago on 22–24 September. These conferences provided an extraordinary opportunity for SCSC members to exchange knowledge and experiences with its different stakeholders, particularly related to Good Regulatory Practice and Standards and Conformance. Chile as 2004 host Economy plans to present the summary conclusions of the conferences at the next meeting of the WTO/TBT Committee.</p>
Sub-committee on Customs Procedures (SCCP)	<p>SCCP undertook technical assistance programs aimed at assisting members to improve the implementation of Customs-related WTO Agreements in 3 specific areas – Customs Valuation, TRIPS and Rules of Origin.</p> <ul style="list-style-type: none"> • 19 economies have adopted the principles of the WTO Valuation Agreement (Article VII of the WTO Agreement) • 17 economies have adopted the TRIPS Agreement procedures to ensure the consistent application of the agreement. • SCCP is working on a Rules of Origin matrix in order to increase knowledge regarding Preferential Rules of Origin, and particularly those included in FTAs. A possible CAP on this area will be explored.
Intellectual Property Rights Experts Group (IPEG)	<p>IPEG has discussed recent contentious issues of the WTO TRIPs Agreement and emerging IP fields such as genetic resources and biotechnology.</p> <p>IPEG member economies conducted seminars on implementation of the WTO TRIPs Agreement and enforcement of intellectual property rights to assist members to develop the capabilities of government officials and business people in the APEC region.</p>

SUB-FORA	WORK UNDERTAKEN
	Mexico coordinated on behalf of the group a survey on each economy's legal schemes and tools for protecting geographical indications. The final report of the survey will be posted on the IPEG Web site < http://www.apecipeg.org >.
Competition Policy and Deregulation Group (CPDG)	CPDG continued to follow closely discussions on the relation between trade and competition policy in the WTO. Its contribution to the advancement of the WTO Singapore issues and, in particular, to the Doha Development Agenda was through working, strengthening and focusing efforts toward the implementation of the APEC Principles to Enhance Competition and Regulatory Reform.
Government Procurement Experts Group (GPEG)	<p>GPEG continued to monitor WTO developments and explore ways it could provide support to WTO activities relating, in particular, to the Agreement on Government Procurement and the Working Group on Transparency in Government Procurement.</p> <p>GPEG will continue to maintain a watching brief on WTO activities, and explore how it can provide support. GPEG will also continue to share experiences regarding the WTO Agreement on Government Procurement, particularly to inform member economies that are not signatories</p>
Informal Experts Group on Mobility of Business People (IEGBM)	In 2004, the IEGBM continued to implement, on a best endeavors basis, agreed standards that facilitate trade through streamlining the movement of business people. The standards are consistent with objectives of the WTO General Agreement on Trade in Services (GATS), specifically Mode 4.
WTO Capacity Building Group (WTOCBG)	<p>The WTOCBG convened a two-day workshop on Best Practices in WTO Capacity Building on 25–26 February in Santiago. The workshop focused on capacity building needs from both the donor and recipient perspective and identified best practices as well as specific challenges in capacity building and produced concrete recommendations for future activities, and in particular for APEC to do additional work on multi-stakeholder consultations.</p> <p>The WTO Group organized a number of WTO capacity building projects, on the environmental assessment of trade negotiation and on trade facilitation in a WTO context. The WTO Group also approved a project for an APEC roundtable on trade facilitation in Geneva.</p>
Automotive Dialogue	<p>The Automotive Dialogue developed a package of work programs which includes market access, trade facilitation, and ECOTECH aiming at further developing and integrating the APEC automotive industry.</p> <p>The Dialogue agreed to develop a mechanism for exchanging views on the implications and practical impact of the 2003 APEC Ministers affirmation of the Dialogue's 'standstill commitment'.</p> <p>In line with APEC's priority to support the WTO, the Automotive Dialogue worked on a paper highlighting the relevance of a number of different types of non-tariff measures affecting trade in automotive products. Some Dialogue members, acting on their own behalf, attended a meeting on 4 June 2004 in Geneva to present market access issues that global auto industry representatives are interested in pursuing through the DDA to interested WTO member delegations, the Chairman of the non-Agricultural Market Access Negotiating Group, and a representative of the WTO Secretariat.</p> <p>The Dialogue also continues to study Rules of Origin and has a new Working Group on intellectual property rights.</p>
Chemical Dialogue	The Chemical Dialogue identified and recommended priority non-tariff measures for the Dialogue's work program leading up to the Fourth Chemical Dialogue in 2005. Work programs were established for four NTMs: smuggling/counterfeit, rules of origin, product registration procedures, and confidential business data for chemicals.



SECTION II:

TRADE AND INVESTMENT FACILITATION (INCLUDING IPR)

SUB-FORA	WORK UNDERTAKEN
Life Sciences Innovation Forum (LSIF)	Areas of convergence between the LSIF and the WTO include: protection of intellectual property; improving e-commerce and information technology infrastructure; harmonization of regulatory practices and policies in line with international best practices; adequate notice and opportunity for comment on regulatory developments; promotion of good manufacturing practices and good clinical practices; transparency; investment; and services.

II: TRADE AND INVESTMENT FACILITATION (INCLUDING INTELLECTUAL PROPERTY RIGHTS)

Objectives:

In 2004, CTI adopted a clear work plan on trade and investment facilitation. As a strong IPR regime is key to a good investment climate, CTI included its work in this area under this priority. In February 2004, CTI members agreed on the following objectives:

Implementation of the Trade Facilitation Action Plan

- To conduct a mid-term review at SOM III on progress in implementation of Trade Facilitation actions.
- To identify areas where additional capacity building work is required.
- To promote the benefits of trade facilitation to the business community.
- To give priority to measures in the TFAP that will help SMEs.

Facilitate trade and investment through the strengthening of IPR

- To implement the Comprehensive Strategy on IPR in APEC.
- To establish IPR Service Centres.

Results:

Trade facilitation:

- CTI worked with ABAC to organize an Expanded Dialogue on Trade Facilitation in October 2004, which allowed APEC to take stock of progress accomplished in implementing the 2002 Trade Facilitation Action Plan and discuss a way forward for APEC.
- CTI commissioned an expert to prepare a report assessing the implementation of APEC's Trade Facilitation Action Plan, which demonstrated that APEC economies

are indeed implementing the concrete actions and measures they listed in 2002. However, the report pointed to the need for additional work in several areas.

- CTI endorsed a series of recommendations emanating from the Expanded Dialogue on Trade Facilitation. These recommendations draw largely from the expert's report, and cover three areas: deepening and better monitoring the implementation of the Trade Facilitation Action Plan; better interaction with business; and advancing trade facilitation negotiations in a WTO context. (see Appendix I).
- Eighteen member economies submitted progress reports on their implementation of the Trade Facilitation Action Plan, showing substantial progress since the adoption of the Action Plan in 2002.
- CTI completed a project, overseen by China, aimed at measuring APEC's progress in reaching its target of cutting transaction costs by 5 percent.
- CTI sub-fora organized a wide range of capacity building projects on trade facilitation (see attached table listing sub-fora activities).
- CTI completed a project, overseen by Canada that offers recommendations on how to facilitate trade for SMEs owned by women.
- CTI completed a project, overseen by Malaysia that examines developments in trade facilitation and in efforts to secure trade. It is intended to contribute to the wider goal of developing and demonstrating an efficient and integrated response in the region to the risk posed by the threat of terrorism to the region's growth and prosperity.

Intellectual Property Rights (IPR):

- Two member economies have established their APEC IPR Service centers and five member economies plan to have their APEC IPR Service Centers operational by the end of 2005.
- CTI welcomed IPEG's work on preparing the final draft of the APEC IPR Service Center Manual.
- CTI encouraged member economies to pursue work on the report on best practices for the enforcement of optical disk piracy.
- CTI endorsed IPEG's work on IPR Policy Progress Mapping and the follow-up report on the "Comprehensive Strategy on IPR in APEC".

Table 2: Work in Response to CTI Priority: Trade and Investment (including IPR) by Sub-Forum

SUB-FORA	WORK UNDERTAKEN
MAG	<p>MAG contributed to two projects designed to measure the transaction costs of trade facilitation initiatives that have been implemented to meet the APEC goal of reducing transaction costs by 5 percent by 2006:</p> <ul style="list-style-type: none"> - MAG contributed to a Chinese trade facilitation initiative that utilises statistical techniques to calculate transaction costs. - MAG reviewed and provided comments on the draft study from Canada on a methodology to identify the gains from trade facilitation. <p>MAG members have made progress in the implementation of trade facilitation measures identified in the APEC Trade Facilitation Action Plan</p>
GOS	<p>GOS discussed follow up to the "Menu of Options for Voluntary Liberalization, Facilitation and Promotion of Economic and Technical Cooperation in Services Trade and Investment" (MOOs), in particular, concerning:</p> <ul style="list-style-type: none"> - Transparency in services through the e-IAPs; - Recognition in the area of professional services; and - Capacity building in the area of regulatory impact analysis; <p>GOS completed the study on cost and benefits of services trade liberalization in four areas, insurance, tourism, distribution and health services; and its study on impacts on APEC Economies of measure to liberalize and facilitate trade in environmental services;</p> <p>GOS agreed to hold a symposium on transparency on mode 4; and a symposium on mutual recognition agreements.</p>
Investment Experts Group (IEG)	<p>The IEG endorsed Japan's proposal for an APEC/UNCTAD Investment Facilitation Initiative, which includes plans for a study and seminar on bilateral and regional investment agreements to be held in 2005.</p> <p>IEG convened a successful seminar with the OECD on current Foreign Direct Investment (FDI) Trends and Investment Agreements, Challenges and Opportunities on 25-26 May 2004 in Pucon, Chile. The seminar was well attended by many experts from APEC delegations and international organizations who engaged in very rich discussions on substantive issues related to investment. The IEG agreed to establish (i) closer collaboration with the OECD Committee on International Investment and Multinational Enterprises (CIME) for informal exchange of information and experiences and (ii) a small group of friends of the Chair led by Chile to help develop its future work program.</p> <p>Korea presented a concept paper for the organization of an APEC Investment Mart in 2005.</p> <p>Viet Nam submitted a concept paper with a proposal on Strengthening APEC Investment Cooperation.</p> <p>IEG completed its <i>Report on the Implementation and Improvement of the Menu of Options for Investment, Liberalisation and Business Facilitation</i>.</p>

SUB-FORA	WORK UNDERTAKEN
SCSC	<p>SCSC agreed a new alignment Voluntary Action Plan (VAP) format and members updated their information.</p> <p>SCSC agreed on a dialogue channel to exchange information on International Standardization that was initiated with the paper "Product related environmental standardization activities in IEC".</p> <p>SCSC held a Policy Dialogue with ABAC to identify the main concerns of business with a view to reflecting these in the future SCSC work program as well as to set up a channel that will allow continued interaction between SCSC and ABAC.</p> <p>SCSC and SME Chairs distributed a questionnaire on SMEs compliance costs to both sub-fora, its preliminary results will be presented and discussed at the Joint Meeting.</p> <p>The SCSC and the SMEWG had a joint meeting where they explored building better links between the two fora to facilitate trade for SMEs in standards-related areas.</p> <p>SCSC organized a series of capacity building programs to train officials from developing economies in areas such as calibration and testing of laboratory performance; metrology standards, mutual recognition arrangements; and interaction with stakeholders.</p> <p>SCSC agreed to encourage APEC economies to participate in the development of voluntary standards at the international level in a cooperative manner, especially with respect to product-related environmental standards, with the aim of aligning national and international standards.</p>
SCCP	<p>SCCP has established a technical assistance program that helps member economies to implement the agreed CAPs such as (i) harmonization of tariff structure with the HS Convention; (ii) adoption or implementation of the Advanced Classification Ruling Systems; (iii) implementation of the WCO guidelines; (iv) adoption of the UN/EDIFACT-Paperless Trading system by member economies; (v) implementation of the WCO guidelines on Express Consignment Clearance; (vi) implementation of risk management techniques; and (vii) implementation of the customs-related elements of the STAR initiative.</p> <p>SCCP worked at enhancing cooperation between customs administrations and the private sector through the APEC Customs - Business Partnership program. The most recent APEC Customs-Business Dialogue held in Vina del Mar on 25–26 September 2004 was attended by 350 people.</p> <p>SCCP supported by its Trade Facilitation Working Group (led by Australia) focused efforts on providing a qualitative report that would be a compilation of initiatives implemented since 2001, called the Mid Term on Trade Facilitation. The SCCP recognized the value of Time Release Survey.</p>
IPEG	<p>IPEG finalized the <i>IPR Service Center Manual</i> and summarized the status of our members in relation to the construction of the IPR service centers. To provide easy access to information, some members, such as Australia, Hong Kong China, Japan, Korea New Zealand, and Viet Nam have constructed Web sites for their service centers.</p> <p>The IPEG reviewed a draft report on the <i>IPR Policy Progress Mapping the Comprehensive Strategy on IPRs in APEC</i>, proposed by Japan. It summarizes each economy's progress on IPR protection and its enforcement in a concise and user-friendly manner along with information on the current legal schemes and enforcement statistics for the 1998–2003 period. A compiled report is currently under IPEG member's consideration and scheduled to be delivered at this year's AMM.</p>
CPDG	<p>CPDG, in coordination with the OECD, is working on an <i>Integrated Checklist</i> on regulatory reform that will reflect both the APEC 1999 Declaration of <i>Principles to Enhance Competition and Regulatory Reform</i> and the OECD Principles of the <i>1997 Report to Ministers on Regulatory Reform</i>. Items in the checklist relevant to this CTI</p>

SUB-FORA	WORK UNDERTAKEN
	<p>priority were discussed during the third workshop of this cooperative initiative, held in Pucon, Chile on 24–25 May 2004. Topics such as improving international competitiveness through the reduction of unnecessary regulatory burdens, and improving competitiveness by minimizing the cost impacts of regulatory diversity across borders were included in the discussion.</p>
GPEG	<p>GPEG's focus is on the trade facilitation principles of transparency, communication and consultation, and modernisation and the use of new technology. GPEG activities contributing to the Trade Facilitation principles are as following:</p> <ul style="list-style-type: none"> • Ongoing information sharing on new initiatives/developments in GP frameworks, based on the non-binding principles (NBPs). • Ongoing information sharing on e-procurement systems. • Ongoing information sharing on multilateral and bilateral trade arrangements (such as free trade agreements) negotiated by member economies. <p>GPEG has in conjunction with the APEC Secretariat developed a bulletin board that was launched for the exchange of member economies' experience across a range of government procurement issues. The Board is now operation and will be managed initially by Australia. GPEG agreed to develop case studies on better practices in government procurement and share them via the GPEG Bulletin Board.</p> <p>GPEG agreed to support the SME Working Group's project to research issues relevant to SMEs with a view to building a greater understanding of issues affecting SME access to government procurement.</p> <p>GPEG agreed to further develop a New Zealand proposal to undertake a two-part study consisting of a survey of existing SME programs in APEC economies and an evaluation of those programs with a view to proposing possible models to facilitate SME access to government procurement.</p>
IEGBM	<p>The IEGBM is assisting economies to provide trade and investment facilitation through the development of standards and/or capacity building assistance, with TILF support in some areas, in respect of the following IEGBM agreed options for actions and measures:</p> <ul style="list-style-type: none"> • <i>APEC Business Travel Card</i>: The card provides for three year, multiple business visitor entry to participating economies. There are to-date 16 members (Australia, Brunei, Chile, China, Hong Kong (China), Indonesia, Japan, Korea, Malaysia, New Zealand, Papua New Guinea, Peru, Philippines, Singapore, Chinese Taipei and Thailand), 14 of which are now operational. • <i>Intra company transferees</i>: A 30-day processing service standard for temporary visa applications for <i>intra company transferees</i> (executives, managers and specialists (the latter group as defined by each economy)). Most economies have reported that they are meeting the agreed 30-day service standard for processing applications from executives, senior managers and specialists (the latter group as defined by economies), where all documentation is complete at time of lodgment • <i>Travel Document Security</i>: The IEGBM agreed on Travel Document Security Standards at its February meeting. As part of Phase 2, a second workshop was held on 10-12 March 2004 in Sydney to assist economies undertake a self-assessment of their existing travel document systems against the standards, which were agreed in February 2004. This is the second phase of a TILF project to improve the security of economies' travel documents, related systems and the application of biometrics, as called for by Leaders in their 2002 Counter Terrorism STAR Initiative. The IEGBM received Urgent TILF funding in 2004 to assist economies to develop their own Action Plans under Phase 3 of this project. • <i>Legal Infrastructure</i>: The IEGBM agreed on Legal Infrastructure standards at its first meeting for the year. Economies have started self-assessing their legislation against the standards. The IEGBM will consider how best to meet economies' capacity building needs in this area on completion of the self assessment process.

SUB-FORA	WORK UNDERTAKEN
	<ul style="list-style-type: none"> • <i>Advance Passenger Information (API) systems:</i> (See also below under 'Pathfinder Initiatives' for update on the status of API feasibility studies and expected deliverables.) New Zealand hosted an API workshop on 19-20 April 2004, to exchange information on issues and challenges in implementing API and APP systems. • <i>Regional Movement Alert List System:</i> The feasibility of developing an automated Regional Movement Alert List (RMAL) system was explored in 2004. The RMAL feasibility study report advises that RMAL is feasible and recommend to APEC leaders that RMAL should be developed and tested by Australia and the US, and other interested economies, in 2005.
WTOCB Group	<p>The Group has overseen the developed and implementation of capacity building projects in support of this priority. Such projects include: (i) SCCP Programme to Improve Implementation Of Customs-Related WTO Agreement; and (ii) APEC Seminar on WTO Trade Facilitation.</p>
Automotive Dialogue	<p>The Dialogue focused its trade facilitation work in the following areas:</p> <ul style="list-style-type: none"> • <i>Harmonization:</i> the Dialogue has developed an economic and technical assistance program to support regional integration of ASEAN's automotive safety and environment standards and supported an ASEAN cooperative arrangement for automotive technical regulations—this paper serves as a guideline for facilitating trade among ASEAN free trade area members. • <i>Customs:</i> The Dialogue conducted workshops on customs best practices in three ASEAN economies and developed a Customs Best Practices paper to assist member economies to identify areas where transactions could be reduced. • <i>Intellectual Property Rights:</i> The Dialogue established an Intellectual Property Rights (IPR) working group to progress an active work program that would ensure appropriate protection of IPR for automotive products.
Chemical Dialogue	<p>The Chemical Dialogue developed additional capacity building activities to assist economies in implementing the 2002 Ministerial endorsement of the First Chemical Dialogue's recommendation that APEC economies implement the Globally Harmonized System (GHS) by 2006.</p> <p>The Dialogue developed a mechanism for coordination and identification of key bilateral, sub-regional and regional events where GHS could be included on the agenda.</p> <p>It worked with SCCP and participated in APEC Customs-Business Dialogue to see how the Chemical Dialogue can address priority customs-related issues for the chemical industry, without duplicating the work of the SCCP. A representative of the Chemical Dialogue participated in the 26 September 2004 APEC Customs-Business Dialogue.</p>
LSIF	<p>The LSIF is working to harmonize regulatory practices and policies in line with international best practices, which will enhance opportunities for innovation; and promote APEC trade facilitation principles such as transparency, efficiency, flexibility, and responsiveness. It agreed to harmonize quality standards for life sciences products and services according to international best practices (already agreed in principle at LSIF 1 in 2003), which will be a significant trade facilitation deliverable. Additionally, the LSIF is working at improving clinical trials infrastructure, and will also seek to develop a more inclusive, open and transparent process for setting health care policies, which can facilitate trade in health services.</p>

SECTION III:

TRANSPARENCY

III: TRANSPARENCY

Objectives:

In February 2004, CTI adopted a clear work plan on transparency, and agreed on the following objectives:

- To finalize Transparency Standards on Government Procurement by the June 2004 meeting of the Ministers Responsible for Trade (MRT).
 - All economies to implement the Transparency Standards into domestic laws, regulations, procedures and administrative rulings of general application by Leaders' 2005 deadline.
 - Follow "Transparency by 2005" strategy to ensure implementation;
 - Develop an APEC plan for assessing economies' performance in incorporating the General and area-Specific Transparency Standards into their domestic legal regimes, with input from relevant stakeholders in the wider community.
 - The plan should address economies' possible need for assistance in drafting and obtaining passage of legislation to implement the Transparency Standards.
 - Develop IAP templates reflecting the General and area-Specific Transparency Standards for economies to report against beginning this year.
 - SOM to consider whether, according to the Transparency by 2005 Strategy, to convene a SOM-led roundtable involving economies and relevant stakeholders in the wider community to discuss economies' implementation in law and in practice of the Leaders' Transparency Standards.
 - Use the APEC Geneva Caucus to transmit APEC's work on Transparency Standards to the WTO and explore the possibility of taking relevant initiatives in the WTO.
- Use the SOM dialogue on RTAs/FTAs to support transparency provisions in FTAs, RTAs and other initiatives and to discuss transparency provisions in such arrangements.
 - Work with ABAC on a 2004 "early harvest" plan to obtain business community input on transparency issues that have an impact on business.
 - Communicate the benefits of transparency and the importance of the Transparency Standards better to the public.

Results:

- As mandated by Ministers and Leaders in 2003, CTI agreed on a set of Government Procurement Transparency Standards, which were approved at the June 2004 MRT.
- CTI developed and agreed on a series of IAP Chapter Templates that incorporate the transparency standards, as well as a template on APEC's general transparency standards to be used from 2005. (Appendix II) Member economies agreed to endeavour to fill out these new templates in time for the November 2004 APEC Ministerial Meeting (AMM). These templates will reflect member economies' implementation of the Transparency Standards into domestic laws, regulations, procedures and administrative rulings of general application.
- As a direct result of the SOM dialogue on RTAs and FTAs, CTI developed and agreed on an IAP reporting template for RTAs and FTAs, which will increase transparency in this key area, by making descriptions of the content of these agreements, and links to their texts, available. (Appendix III)
- CTI worked with ABAC and the wider business community to start developing a list of concrete transparency-related issues that are important to the private

sector in specific APEC member economies

While this list of key results, and the accompanying table of activities in support of transparency by CTI sub-fora is quite comprehensive, CTI will need to do more next year to follow-up on its objectives related

conveying APEC's work on transparency to the WTO, as well as develop an APEC plan to assist member economies implement the Transparency Standards into their domestic legal regimes, as mandated by Leaders in Bangkok, Thailand.

Table 3: Work in Response to CTI Priority: Transparency by Sub-forum

SUB-FORA	WORK UNDERTAKEN
MAG	<p>MAG has considered the initial proposed actions to implement the APEC Leaders' Transparency Standards, as proposed by the United States. Its members have progressed implementation of the area-specific <i>Transparency Standards on Market Access</i>.</p> <p>MAG members have regularly updated their tariff data for inclusion in the WTO Integrated Database and the APEC Tariff Database. They have also regularly revised and updated their links to import regulations on the MAG website.</p> <p>MAG has ensured that its own operations are transparent by keeping the MAG website up-to-date, publishing MAG meeting documents on-line and contributing to the APEC Secretariat newsletter.</p>
GOS	<p>GOS discussed how to implement the APEC Transparency Standards for Services including a proposal on the use of the IAP template for reporting the implementation of the Transparency Standards by individual member economies.</p> <p>GOS members agreed to hold a symposium on transparency on mode 4, and develop a template for member economies to share information on mode 4 commitments.</p>
IEG	<p>IEG members exchanged information on the investment chapters of the FTAs negotiated in the APEC region. Chile made a comprehensive presentation on the investment chapter of the FTA it signed with USA, while Mexico presented the investment principles of the FTA negotiation with Japan.</p>
SCSC	<p>Transparency is part of the permanent work of SCSC and discussed under the priority areas of SCSC Agenda.</p>
SCCP	<p>SCCP will increase transparency through work on the following issues:</p> <ul style="list-style-type: none"> • <i>Customs Integrity</i>: This program aims to raise the levels of integrity among APEC Customs Administrations, which is fundamental to good governance and provides a sound platform for Customs reform and modernization. Two workshops have been held in Chile and Peru. • <i>Adoption of Transparency Standards</i>: This program covers different aspects of Customs public information under the form of Accessible Customs information; publication of any regulations governing Advanced Customs Procedures; implementation of Advanced Rulings; maintaining procedural transparency and fairness in Customs procedures and establishing contact points to address matters of concern. Most economies have made progress in publishing and making available customs laws and regulations through Internet. Likewise, customs regulations are published in the Official Gazette. • <i>Peer Review</i>: It is a voluntary process that provides an opportunity to all APEC Member Economies to identify "Best Practices" for the implementation of CAP items.
IPEG	<p>IPEG discussed the implementation of APEC's transparency standards on intellectual property.</p>



SECTION IV:

PATHFINDER INITIATIVES

IV: PATHFINDER INITIATIVES

Objectives:

In February 2004, CTI adopted a clear work plan on pathfinder initiatives, and agreed on the following objectives:

- CTI should help APEC implement Leaders' instructions to progress all pathfinders
- CTI should generate greater momentum in the development of pathfinders, including new pathfinders
- CTI should help economies implement existing pathfinders
- CTI should develop capacity building projects to assist implementation
- CTI should communicate the benefits of Pathfinders to the business community

Results:

- CTI agreed on a strategy to improve the effectiveness of Pathfinders (Appendix IV).

Pathfinder Statement on Trade and the Digital Economy:

- Australia and Canada became the 18th and 19th member economies to join this Pathfinder
- CTI discussed a proposal from the USA and Singapore to amend the Pathfinder to make APEC's long-term moratorium on customs duties on electronic transmissions permanent (rather than long-term, as currently mentioned in the Pathfinder).
- CTI welcomed a paper on implementation by APEC member economies of the WTO Reference Paper on Basic

Telecommunications prepared by the Telecommunications and Information Working Group. This was mandated by the paper on "Implementation of the Pathfinder Initiative on Trade and the Digital Economy: Next Steps" approved by CTI and endorsed by Ministers and Leaders in 2003.

- CTI approved a proposal from the United States to hold a discussion on technology choice, as per the Pathfinder Initiative on Trade and the Digital Economy and the "Future Work" paper developed by CTI and endorsed by Ministers and Leaders last year. This discussion will take place in 2005 and will be organized in cooperation with the ECSG.
- CTI agreed that economies would reflect their progress to implement the Leaders' Digital Economy Statement by updating their 2002 templates on the status of their policies on services critical to e-commerce, intellectual property and tariffs.

Other Pathfinders:

- Malaysia announced its intention to apply for part II of Electrical and Electronic Equipment MRA (EEMRA), making them the 4th member of this part of the EEMRA.
- Russia announced it joined the Pathfinder on the Revised Kyoto Convention on the Simplification and Harmonization of Customs Procedures.
- Chinese Taipei announced it joined the Pathfinders on the Sectoral Food MRA; on electronic SPS certificates; and on Electronic Certificates of Origin.

A table listing all CTI-related Pathfinders and participants is attached. (Appendix V)

SUB-FORA	WORK UNDERTAKEN
CPDG	<p>CPDG discussed and approved the initial actions proposed by the US for the group to work collectively to assist individual economies in the implementation of transparency standards on competition law and policy, and regulatory reform.</p> <p>CPDG is jointly developing an <i>Integrated Checklist</i> with OECD that would reflect both the APEC Principles to Enhance Competition and Regulatory Reform and the OECD Principles on regulatory reform. The checklist would also facilitate the implementation of the Transparency Standards.</p>
GPEG	<p>GPEG played an instrumental role in finalizing the APEC Transparency Standards on Government Procurement, approved by Trade Ministers.</p> <p>GPEG agreed that GPEG information sharing on the NBPs in the IAPs will be expanded to include information sharing on the transparency standards.</p>
IEGBM	<p>IEGBM endorsed a standards checklist to facilitate the implementation of the specific Business Mobility Transparency Standards. The checklist is being used as a tool by individual economies to self-assess their existing Immigration transparency arrangements against the agreed standards. The IEGBM will consider the need for and options for assistance to economies in this area.</p> <p>IEGBM agreed to continue to maintain its business mobility website including the <i>APEC Business Travel Handbook</i>, and to use the website to share information on trade agreements and related immigration matters.</p>
Coordinating Group on Strengthening Economic Legal Infrastructure (SELI)	<p>The SELI Coordinating Group aims to promote a fair, transparent and consistent application of the rule of law in the commercial and corporate domain, especially on competition law and policy, and regulatory reform. Implementation of the 2004 work program included the use of SELI meetings to exchange information on economies' implementation of the Transparency Standards into their domestic legal regimes and work with other relevant sub-fora, namely CPDG, to effectively implement the area-specific Transparency Standards.</p>
Automotive Dialogue	<p>The Automotive Dialogue discussed greater transparency in the context of customs procedures best practices paper.</p>
Chemical Dialogue	<p>As a concrete deliverable for the transparency exercise, the Third Chemical Dialogue (May 2004) compiled a list of government and non-government websites relating to chemical laws and regulations. The compilation will remain a living document and will be updated as appropriate.</p>
LSIF	<p>A key objective of the LSIF is improving transparency, particularly in the regulatory process. The LSIF will promote a transparent regulatory framework for medical life sciences in each area of the life sciences value chain and will identify capacity building needs.</p>

Table 4: Work in response to CTI Priority: Pathfinder Initiatives by Sub-forum

SUB-FORA	WORK UNDERTAKEN
MAG	MAG members have been encouraged to consider and develop proposals for possible new pathfinder initiatives
GOS	<p>GOS discussed measures to further follow up on APEC Policy on Trade and the Digital Economy Pathfinder Statement, including a proposal concerning express delivery services.</p> <p>GOS members have been encouraged to report on elements relevant to the digital economy and discussed a report produced by Hong Kong, China on the telecommunication sector, a sector critical to e-commerce.</p>
SCSC	<p>SCSC continued with the implementation of its pathfinder initiatives, the Mutual Recognition Arrangement of Conformity Assessment on Electric and Electronic Equipment (EEMRA) and the APEC Sectoral Food MRA. SCSC members are encouraged to actively participate in these initiatives and to identify the difficulties that each Economy could face to do it. In this context, Malaysia has informed the SCSC of their intention to apply for part II of EEMRA, making them the 4th member of this part of the EEMRA.</p> <p>Chinese Taipei announced its intention to join the Food MRA Pathfinder at CTI 1 in February.</p>
SCCP	SCCP will implement a project that would provide technical assistance and building the capacity of APEC Member Economies, to adopt and implement the Revised Kyoto Convention. The project also seeks to increase transparency and efficiency in Customs Administrations and would contribute to reducing transaction costs in trade. The Revised Kyoto Convention is divided into two parts: the first stage requires that the majority of the Member Economies adopt the principles of the Convention, and the second stage, only in the case of those Members which are in a condition to do so, requires the accession to the Convention itself. While seven economies have acceded to the Kyoto Convention: Australia, Canada, Korea, PRC, Japan, New Zealand and Russia, there are to-date, 16 economies, including Russia who announced its intention at SOM III to participate in the Kyoto Convention Pathfinder Initiative.
IPEG	Under the Trade and the Digital Economy Pathfinder, Singapore updated the survey on the best practices of member economies for combating optical disc piracy. The preliminary result of this survey is very encouraging: responses of member economies indicate that various legal schemes have been developed and established to address this issue.
GPEG	GPEG completed its examination of the relevance of e-procurement information to the Trade and the Digital Economy Pathfinder Initiative and found no specific issues to be pursued. GPEG will continue to examine government procurement issues of relevance to the Pathfinder Initiatives.
IEGBM	<p>Substantial progress was made on implementation of the agreed API pathfinder implementation plan by the IEGBM in 2004:</p> <ul style="list-style-type: none"> • The BMC agreed on standards for the implementation of API Systems in May 2003. • To date, API feasibility studies have been conducted in seven economies: Chile, China, Indonesia, Korea, the Philippines, Chinese Taipei and Thailand. Feasibility reports have been completed for Chile, Indonesia, Philippines and Thailand. All reports will have been completed by end 2004. • Further economies have been scheduled for API Feasibility Studies in 2005: Brunei Darussalam, Papua New Guinea, Peru, Singapore and Viet Nam. • Thailand is expected to implement an API System at Bangkok Airport in early 2005. Korea has advised that it will implement an API System by January 2005. Malaysia has implemented an API System for sea arrivals. Japan is expected to implement API by March 2005. • Economies that have implemented or formally announced their commitment to implementation include Australia, Canada, Japan, Korea, Mexico, New Zealand, Thailand and the United States.

SECTION V:

**CONTRIBUTION TO THE
IMPLEMENTATION OF
STRUCTURAL REFORM
ACTION PLAN**

SUB-FORA	WORK UNDERTAKEN
LSIF	LSIF is discussing the possibility of identifying agreement on clinical trials infrastructure with associated capacity building as a possible pathfinder for the forum.

V: CONTRIBUTION TO THE IMPLEMENTATION OF STRUCTURAL REFORM ACTION PLAN

In February 2004, CTI adopted a clear work plan on contribution to the implementation of Structural Reform Action Plan, and agreed on the following objectives:

- To submit a progress report on CTI's and its sub-fora's implementation of the APEC Structural Reform Action Plan to Leaders and Ministers through SOM.
- To identify key priorities of structural reform in consultation with economies and ABAC.
- To help determine how the structural reform agenda can best be progressed in APEC.
- To have members exchange/share their structural reform-related experiences/measures
- To have two CTI sub-fora, CPDG and SELI, organize structural reform-related activities.
- To organize a number of capacity building activities

Results:

- CTI sub-fora, and in particular CPD and SELI, organized a number of capacity building projects (see attached table of sub-fora activities).
- The APEC/OECD joint project on a regulatory reform checklist is making good progress towards its objective of finalizing that checklist by the 2005 MRT. Experts met twice to advance this work, in Pucon in May and in Bangkok in November.
- Several Economies submitted the APEC Progress report on Structural reform to CTI.
- Twelve Economies prepared reports on strengthening economic legal infrastructure and shared these with other members during the three meetings of the SELI Group this year.

benefits of services trade liberalization in four areas; insurance, tourism, distribution and health services as well as on impacts on APEC Economies of the measure to liberalize and facilitate trade in environmental services.

The **Investment Experts' Group (IEG)** re-energized its work on investment following the rich discussions on substantive investment-related issues at the joint APEC-OECD Seminar on current FDI trends and Investment Agreements, Challenges and Opportunities that was held in the margins of its meeting in May 2004. The Group agreed to establish closer collaboration with the OECD for future cooperation. The Group submitted a progress report on implementing and improving the Menu of Options for Investment Liberalization and Business Facilitation to Ministers Responsible for Trade in June 2004.

The **Sub-Committee on Standards and Conformance (SCSC)** continued to implement a multi-faceted work program involving a number of key CTI priorities, such as support for the WTO and trade facilitation. Major outcomes this year include two very successful conferences on standards and conformance and on good regulatory practice. The SCSC increased its interaction with ABAC and with the SME Working Group. It also organized a number of capacity building projects on standards and conformance-related issues. SCSC obtained CTI's endorsement on a number of its concerns relating to transparency to product-related environmental regulations as potential trade barriers and on the need for cooperation in the international standardization process be included in the 2004 AMM Statement.

The **Sub-Committee on Customs Procedures (SCCP)** continued to work at assisting Customs Administration in the APEC region to achieve significant progress in streamlining, upgrading and harmonizing their activities. It convened a successful APEC-Customs Business Dialogue, which attracted key players of international trade. The Mid Term Report shows the case studies that demonstrate SCCP members' commitment to improve trade facilitation arrangements in an environment of increased security scrutiny.

The **Intellectual Property Rights Experts Group (IPEG)** established a work program to enhance cooperation among our members by implementing collective actions on the current

intellectual property (IP) issues of international organizations and the APEC region. These issues cover WTO negotiations, effective measures for protecting intellectual property rights (IPRs) in a changing trade environment, surveys and exchanges on IPR enforcement, capacity building and public awareness activities, and the facilitation of technical cooperation through electronic means.

The **Competition Policy and Deregulation Group (CPDG)** continued to promote dialogue, information exchange, gathering and analysis as well as experience sharing in the area of competition policy, competition laws, their enforcement and interrelationship with other policies related to deregulation in trade and investment. A key outcome of the Group's work during the year was progress on an *Integrated Checklist* that is being developed with the OECD. The *checklist* will facilitate the implementation of the Trade Facilitation Action Plan, Transparency Standards and Structural Reform Action Plan. The group also agreed to review and assess potential ways of supporting discussions in the WTO on competition policy.

For 2004, the main work in the **Government Procurement Experts Group (GPEG)** was focused on finalizing the sector-specific Transparency Standards in government procurement. GPEG also worked on increasing cooperation with SMEs and will be developing a proposal that will help to find out more about impediments to government procurement in SMEs. The group continued to share information on procurement across economies for purposes of increasing efficiency of procurement as well as transparency across economies. It also continued with voluntary reviews on consistency of economies' respective government procurement regimes with the Non-Binding Principles (NBPs) on Government Procurement (GP) adopted in 1999.

The **Informal Experts Group on Mobility of Business People (IEGBM)** made significant progress on the Implementation Strategy on Advance Passenger Information (API) Pathfinder. In accordance with Leaders' directions, the IEGBM (Business Mobility Group) examined the feasibility of developing an automated Regional Movement Alert List (RMAL) system and submitted a report to Leaders recommending the development and piloting of RMAL in 2005. Chile and the



SECTION VI:

COLLECTIVE ACTIONS AND INDUSTRY DIALOGUES

Table 5: Work in response to CTI Priority: Contribution to Structural Reform by Sub-forum

SUB-FORA	WORK UNDERTAKEN
MAG	MAG is giving active consideration to preparing a brochure to showcase individual economy experiences with structural reform and highlight the benefits of structural reform in maximising the opportunities provided by trade liberalisation and open markets.
GOS	GOS discussed how the group could contribute to the implementation of APEC Structural Reform Action Plan, particularly in terms of transparency and capacity building in the area of regulatory impact analysis
CPDG	CPDG has been implementing the APEC-OECD Cooperative Initiative on Regulatory Reform and the APEC Training Program on Competition Policy, results of which will contribute to the implementation of Structural Reform Action Plan. The <i>Integrated Checklist on regulatory reform</i> that is being jointly developed by CPDG with the OECD will also contribute to this priority.
SELI	Responding to the Leaders' instruction on structural reform in Bangkok, the SELI Coordinating Group has continued to identify mechanisms for strengthening economic legal infrastructure, focusing in particular on corporate law and competition law/policy, and capacity and institutional building, through holding seminars on enforcement of competition policies and corporate governance, organizing the APEC Training Program on Competition Policy, organizing a session at the High Level Conference on Structural Reform, and preparing each economy's report on SELI.

VI: COLLECTIVE ACTIONS AND INDUSTRY DIALOGUES

Collective Action Plans

In 2004, CTI and its sub-fora continued to implement, revise and enhance work on the Collective Action Plans (CAPs), making continued and significant progress towards achieving the OAA objectives in pursuit of the Bogor Goals. See *Appendix VI* for the revised CAPs for 2004.

Many of these revisions/enhancements were implemented in response to the priorities set by Leaders and Ministers, particularly the directive to produce tangible deliverables in CAPs that are directly relevant to businesses and that can bring credible outcomes on trade in the region. The revised CAPs also increase the transparency of trade and investment policies, lower transaction costs of cross-border trade, stimulate competition and result in greater certainty and predictability of the operating environment for the business community. Highlights of the main outcomes of sub-fora work that directly related to CTI priorities is shown in sections 1-5 above.

The **Market Access Group (MAG)** continued to progress initiatives on tariff and non-tariff measures that are designed to secure outcomes for business through further trade

and investment liberalization and facilitation. Specific deliverables include: implementation of the area-specific Transparency Standards on Market Access; development of a preliminary list of IT products that may be proposed to the WTO for possible tariff elimination; and delivery of a trade negotiations training course for developing economies (scheduled for December 2004). The work of the MAG will assist the business community in the region through initiatives that demonstrate that free and open trade is the best guarantee of economic prosperity and growth, and promote greater understanding of the benefits of trade facilitation. The programs of the MAG will help create an Asia-Pacific region that is more resilient to regional and global shocks and to assist all regional economies in staying on the course of regional integration and economic openness.

The **Group on Services (GOS)** focused its discussions during the year on a range of important WTO-related issues, including the definition of delivery services as an important area of the Digital Economy Pathfinder Initiative; subsidies in services and transparency of mode 4 commitments. The group updated the database on Service Experts and completed studies on costs and

United States will trial a manual alert information system as a first step to RMAI in 2005. The IEGBM also made significant progress on implementing its Advance Passenger Information (API) Pathfinder Implementation Plan in 2004. Six feasibility study reports were completed in 2004 and a further six studies have been scheduled for 2005. A total of eight economies have either implemented or committed to implement an API system in 2005 including Australia, Canada, Korea, Japan, Mexico, New Zealand, Thailand and the United States. The IEGBM also agreed on best practice Travel Document Security standards and Legal Immigration Infrastructure standards and work will continue in 2005.

The WTO Capacity Building Group (WTO Group) continued to coordinate and facilitate WTO-related capacity and confidence building activities to enhance members' ability to participate in WTO negotiations and to their WTO commitments. The group also promotes opportunities for training and exchange of views on issues relating to the Doha Development Agenda. During the year, the group completed four WTO-related capacity building projects and a report on best practices in WTO capacity building where its recommendation that officials identify best practices and build the capacity of APEC members in the areas of multi-stakeholder and intra-governmental consultations on trade negotiations.

INDUSTRY DIALOGUES

CTI recognizes the importance of public-private sector dialogues for improving the mutual understanding of key imperatives for the development of future policy and for enhancing the competitiveness of the relevant industries. It continues to support SOM in overseeing the developments in the Automotive and Chemical Dialogues and in the Life Sciences Innovation Forum. It was also tasked by SOM to oversee the establishment of a Non-Ferrous Metals Dialogue as called for by Leaders in Bangkok.

1. Automotive Dialogue

The APEC Auto Dialogue addresses a range of issues facing the automotive sector in the region, such as trade liberalization, trade facilitation, and economic and technical

cooperation. The Sixth Automotive Dialogue was held in Beijing, China in June 2004. The Dialogue reviewed the work undertaken by the six working groups that were established following the Third Dialogue (technical regulatory harmonization, customs, ECOTECH, information technology, environment and market access).

The Dialogue agreed to continue its work to develop a work program aimed at further developing and integrating the APEC automotive industry and recommended a standstill agreement on new protectionist measures in the automotive sector. The Auto Dialogue also established a working group on IPR in 2004, and developed a paper on customs best practices. It also cooperates closely with ASEAN in areas such as the ASEAN Road Show Workshops.

2. Chemical Dialogue

The APEC Chemical Dialogue had its third annual meeting in Pucon in May 2004. It continues its work on issues of importance to the business community, such as implementation of the Globally Harmonized Standard (GHS) on the classification and labeling of chemicals and hazard communication. The Chemical Dialogue organized a second capacity building project on the GHS in Malaysia in September 2004. The Chemical Dialogue also continued its discussions relating to the EU REACH proposal, with the Dialogue Co-Chairs sending a letter in June 2004 to the EU Competitiveness Council expressing concerns about the potential impacts of the REACH system on APEC economies. The Chemical Dialogue will continue its work on REACH. The Chemical Dialogue also has a work program on NTMs, which is focused on smuggling/counterfeit, rules of origin, product registration procedures, and confidential business data for chemicals.

3. Life Sciences Innovation Forum

Following the inaugural meeting of the Life Sciences Innovation Forum (LSIF) forum that was held in Phuket, Thailand, in 2003, LSIF II was held in September 2004 in Penang, Malaysia. The LSIF's core mandate is to develop a strategic plan for the entire life sciences innovation value chain, including as a priority addressing the challenges of risk detection and prevention, treatment and cure of the communicable and life-style diseases



SECTION VII:

**CTI'S CONTRIBUTION TO
APEC-WIDE INITIATIVES
AND SOM PRIORITIES**

which affect people in the APEC region. Recommendations for collective actions going forward in 2005 could include programs for human capital development, funding mechanisms, agreement in principle to move to a regional harmonization process among APEC economies in consultation with the Global Cooperation Group of ICH and the development of a roadmap to achieve this goal for life sciences products and services. The LSIF's major outcome this year was the finalization of a Strategic Plan and framework of best practices along the entire life sciences value chain, including research, development, manufacturing and marketing, and health services. CTI endorsed this Strategic Plan for submission to Ministers and Leaders at the Santiago AMM and AELM.

4. Non-Ferrous Metals Dialogue

In response to the Leaders' call in Bangkok for the establishment of a Non-Ferrous Metals Dialogue, Officials established a steering group mandated with organizing the first meeting of the Dialogue. The Steering Group met in Santiago in February 2004, and discussed the modalities and themes of the first Dialogue meeting, scheduled to take place in 2005.

VII: CTI CONTRIBUTION TO APEC-WIDE INITIATIVES AND SOM PRIORITIES

In 2004, CTI undertook work in response to a number of APEC-wide priorities. While some of this work is reflected in earlier sections of this report, this chapter provides an overview of our activities in five areas that respond to APEC-wide priorities: Implementation of Leaders' Security Commitments; RTAs and FTAs; APEC Reform, Implementation of the APEC Framework for the Integration of Gender, and Economic and Technical Cooperation (ECOTECH).

IMPLEMENTATION OF LEADERS' SECURITY COMMITMENTS

Leaders' Security commitments apply APEC-wide, and CTI takes these very seriously. Two CTI sub-fora have been given a key role in implementing elements of the Secure Trade in the APEC Region (STAR) Initiative as well as other security commitments agreed by Leaders in Shanghai in 2001, Los Cabos in 2002, and Bangkok in 2003. In response to this call, the Sub-Committee on Customs Procedures (SCCP) and the Informal Experts Group on Business Mobility (IEGBM) have undertaken the following actions in 2004.

- The SCCP organized a customs-business dialogue in September 2004. The event attracted 350 participants from APEC and beyond, and was largely focused on security matters. A panel dealt in detail with new security standards and the customs environment.
- The SCCP organized two workshops on customs integrity.
- The IEGBM continued its work on standards for travel document security, professional service, immigration legal infrastructure, and travel document examination. A second workshop was held in March 2004 in Sydney to assist economies undertake a self-assessment of their existing travel document systems against the standards. This is the second phase of a TILF project to improve the security of economies' travel documents, related systems, and the application of biometrics, as called for by Leaders in the STAR initiative.
- The IEGBM also studied the feasibility of developing an Automated Regional Alert List (RMAL) system, concluded that such a system is feasible and recommended that it be developed and tested by Australia, the USA and others in 2005.
- The IEGBM is also very active in implementing the APEC Pathfinder Initiative on API systems. To date, feasibility studies on implementation of API systems have been conducted in seven economies: Chile, China, Indonesia, Korea, the Philippines, Chinese Taipei and Thailand. All reports will be completed by the end of 2004. A further six economies are scheduled for feasibility studies in

2005: Brunei Darussalam, Hong Kong (China), Papua New Guinea, Peru, Singapore and Viet Nam.. Korea, Japan and Thailand are expected to implement API systems in 2005. Economies that have already implemented or formally announced their commitment to implementation of API systems include Australia, Canada, Japan, Korea, Mexico, New Zealand, Thailand and the United States.

RTAS AND FTAS

[CTI members participated actively in the SOM Policy Dialogue on RTAs and FTAs organized in Pucon in May 2004. As a result of this Policy Dialogue, CTI prepared an IAP template on RTAs and FTAs designed to increased transparency for business and all stakeholders. This template is attached]

The Market Access Group also undertook work in support of SOM's priority on RTAs and FTAs this year: it updated its compilation of FTAs/RTAs to include details of completed or on-going negotiations (i.e. Japan-Mexico; Korea-Chile and Australia-United States) and posted them on the MAG website. The Government Procurement Experts Group continued to share information on RTAs/FTAs that feature government procurement.

APEC REFORM

In 2004, CTI implemented a number of changes to its work processes. It made modest changes to its agenda to make it shorter and more focused. The main change was to focus on a short list of priorities and adopt action-oriented work-plans under each priority. CTI replaced its traditional session on Convenor's reports with an "interactive dialogue" with Convenors on CTI Priorities. CTI also created five "friends of the Chair" groups to advance its five priority areas. The CTI Chair and Vice-Chairs also met with all CTI sub-fora that meet on the margins of CTI I to ensure they had a good understanding of CTI's priorities. Finally, the CTI Chair and Vice-Chairs also organized two informal meetings with all CTI sub-fora Convenors to allow them to get to know one another and share best practices in running meetings and implementing priorities.

A number of CTI sub-fora also decided to improve their work processes. All Groups changed their agendas to better reflect and directly address CTI priorities. Groups such as the Market Access Group and the WTO Capacity Building Group decided to follow the example already set by other groups such as the Sub-Committee on Standards and Conformance (SCSC) and the Sub-Committee on Customs Procedures (SCCP) to have fewer meetings, and tie their meetings to seminars or workshops to draw more experts. The WTO Capacity Building Group established a "Friends of the Co-Chairs' Group" to oversee an evaluation of past APEC WTO capacity building projects by independent experts who will draw on existing evaluation methodologies developed by APEC's Small Group on Evaluation and extract lessons learned. The Intellectual Property Experts Group decided to hold at least one of its two annual meetings on the margins of a CTI meeting to increase interaction with CTI member and understanding of CTI priorities by its members. A number of groups, such as the SCSC are making efforts to focus their discussions on substantive issues and requesting that a number documents be tabled "for information only" to make better use of the group's time. The SCSC also discussed a paper on reform and adopted some additional measures, such as circulating draft meeting agendas and lists of documents two months prior to meetings, to encourage the use of powerpoint presentations whenever possible, to give special treatment to "for information only" papers, and to circulate documents one month prior to meetings.

IMPLEMENTATION OF THE APEC FRAMEWORK FOR THE INTEGRATION OF GENDER

In 2004, CTI commissioned a project to help it develop priorities for its work related to gender issues. The resulting project, a study entitled "Supporting Potential Women Exporters", contains a wide-ranging series of recommendations on concrete steps that CTI could undertake to fulfill its core mandate of increasing trade and investment while also supporting women entrepreneurs. The project included recommendations for various areas of CTI activity, including suggestions to integrate gender in the Trade Facilitation Action Plan, and suggestions for sub-fora such as the GOS, IEG, IPEG and GPEG. The

SECTION VIII:

INTERACTION WITH ABAC

project also offered recommendations for other APEC fora, including the Small and Medium Enterprise Working Group, Tourism Working Group, Gender Focal Point Network, and Finance Ministers Process.

These recommendations were discussed at a special workshop bringing together members of the CTI and of the Gender Focal Point Network. CTI agreed to have its Friends of the Chair Group on gender issues further analyze these recommendations and select a short list for further discussion by CTI as a whole, with the objective of having CTI include some of them in its 2005 work plan.

ECONOMIC AND TECHNICAL COOPERATION

Each year, CTI oversees and implements more than 50 projects/activities to prepare and assist APEC member economies to facilitate and liberalize trade. They take the form of capacity building activities to provide member

economies with the needed tools to (i) implement and benefit from WTO agreements; (ii) better understand economies' views and concerns in order to participate effectively in multilateral/international trade and investment negotiations; (iii) contribute towards the improved functioning of the multilateral trading system as well as the strengthening of trade-related institutional and legal frameworks; and (iv) implement measures that facilitate trade. While these activities help CTI to advance TILF priorities towards achieving the "Bogor Goals", they also respond to at least one of the ECOTECH priority themes of the 1996 *Manila Framework for Strengthening Economic Cooperation and Development* as well to the APEC-wide ECOTECH priority, adopted in 2003, relating to "Integration into the Global Economy". CTI's wide range of capacity building projects (listed throughout this report) all contribute to the APEC-wide ECOTECH agenda.

VIII: INTERACTION WITH ABAC

This year, the Committee on Trade and Investment (CTI), recognizing the need to involve the business community at the core of APEC's work on trade and investment issues, has significantly increased its interaction with ABAC. The CTI Chair participated in several ABAC meetings in 2004, and offered briefings on CTI's work to ABAC's Trade and Investment Facilitation Working Group. The ABAC Chair or the ABAC Executive Director attended all CTI meetings in 2004, and ABAC

members or representatives participated in the work of some key CTI sub-fora, including the SCCP, the SCSC and the IEGBM. This has led to a much better understanding of business concerns by CTI members and the inclusion of a number of ABAC recommendations in CTI's work plans. CTI and ABAC also worked together to organize the APEC Expanded Dialogue on Trade Facilitation.

Table 6: CTI Response to ABAC Recommendations

ABAC Recommendation	CTI Response
<p>APEC Action Plan for WTO Negotiations</p> <ul style="list-style-type: none"> That a concerted action plan be developed and pursued by APEC Members participating in the WTO negotiations with the objective of achieving early results from the Doha Round in key areas. 	<ul style="list-style-type: none"> CTI has made “support for the WTO” one of its main priorities, and has developed a clear work plan on this issue with detailed objectives in February 2004. The Statement issued by APEC Ministers Responsible for Trade in June 2004 in Pucon, Chile was one of the strongest and most specific ever issued. It contained key references to almost all the elements agreed in the February CTI work program, including an agreement by APEC Ministers Responsible for Trade to support the launch of trade facilitation negotiations in the WTO, an important breakthrough that helped ensure progress on this issue a few weeks later in Geneva. CTI sub-fora organized several capacity building activities (listed in section 1 of this report) aimed at helping developing economies better understand WTO issues, participate in WTO negotiations, and better implement their WTO obligations. The WTO Capacity Building Group organized a very successful workshop on best practices in WTO capacity building activities which discussed coordination and involved the OECD, the WTO Secretariat, the World Bank, the Asian Development Bank, and several other key partners. The WTO Capacity Building Group organized a Seminar on WTO Trade Facilitation in Thailand in November 2004. The WTO Capacity Building Group will organize a APEC/WTO Roundtable on Trade Facilitation to convey APEC’s work on trade facilitation to WTO members MAG developed an indicative list of information technology (IT) products for Ministers to propose to the WTO for possible tariff elimination. As a result of the CTI Expanded Dialogue on Trade Facilitation, CTI agreed to recommend that Ministers support recommendations from ABAC on advancing trade facilitation negotiations in a WTO context (see Appendix I for the series of recommendations resulting from the APEC Expanded Dialogue on Trade Facilitation for more details).
<p>Trade in Services</p> <ul style="list-style-type: none"> That Ministers Responsible for Trade push forward on services liberalization negotiations with particular focus on the issues of market access; national treatment, pro-competitive regulatory disciplines, transparency, cross-border trade, the classification of “new” services sectors (i.e., energy and express delivery services) and the movement of natural persons. 	<ul style="list-style-type: none"> GOS continued to monitor developments in WTO services negotiations through a WTO Watch Group. GOS also enhanced communication between GOS and Geneva-based delegations of APEC economies through reporting GOS activities and receiving feedback from the APEC Geneva Caucus. GOS exchanged information and discussed suggestions concerning issues being deliberated at the WTO, in particular, WTO capacity building in support of GOS members' preparations for successful participation in WTO services negotiations. GOS agreed to hold a symposium on the ways in which rules and regulations related to mode 4 could be made more transparent on the margins of 2005 SOM I. GOS agreed to hold a symposium on mutual recognition in professional services on the margins of

ABAC Recommendation	CTI Response
<ul style="list-style-type: none"> • That APEC economies be encouraged to submit GATS offers as soon as possible, and that these be shown in the public domain. • That APEC economies coordinate capacity building programs that would ensure participation in services negotiations by developing economies. 	<p>2005 SOM I.</p> <ul style="list-style-type: none"> • GOS discussed services critical to electronic commerce, including discussing how to define express delivery services, and agreed to take this work (which is conducted under the 2002 Leader's Pathfinder Statement on Trade and the Digital Economy) forward in 2005. • GOS completed a project on the costs and benefits of services trade liberalization in: distribution, health, tourism and insurance. • GOS will complete a study on trade liberalization and facilitation of environmental services in APEC economies in 2004. • GOS commissioned a project on transparency of mode-4 commitments in the WTO. • GOS will develop a template for information gathering for mode-4 commitment in the WTO as an outcome of the project. • GOS undertook two urgent projects in 2004 to enhance its capacity building efforts in the area of services negotiation. • GOS will continue to discuss a proposal concerning interpretation of scheduling commitments on services trade.
<p>Preferential Trading Arrangements</p> <ul style="list-style-type: none"> • That APEC provide, in the 2004 work program, for comprehensive consideration of the PECC studies on preferential trading arrangements within APEC, and other relevant material, at all official levels, in consultation with other interested parties. 	<ul style="list-style-type: none"> • CTI developed and agreed on an IAP reporting template for RTAs and FTAs, which increase transparency by making available, descriptions of the content of these agreements and links to their websites.
<p>Trade and the Digital Economy</p> <ul style="list-style-type: none"> • That, to implement the APEC digital trade initiative, APEC economies achieve throughout the region as expeditiously as possible, full market access with a minimum of exceptions for trade in services critical to electronic commerce, and take leadership collectively in the WTO to pursue the same openness to digital trade. 	<ul style="list-style-type: none"> • Australia and Canada became the 18th and 19th member economies to join this Pathfinder • CTI discussed a proposal from the USA and Singapore to amend the Pathfinder to make APEC's long-term moratorium on customs duties on electronic transmissions permanent (rather than long-term, as currently mentioned in the Pathfinder). • CTI welcomed a paper on implementation by APEC member economies of the WTO Reference Paper on Basic Telecommunications prepared by the Telecommunications and Information Working Group. This was mandated by the paper on "Implementation of the Pathfinder Initiative on Trade and the Digital Economy: Next Steps" approved by CTI and endorsed by Ministers and Leaders in 2003. • CTI approved a proposal from the United States to hold a discussion on technology choice, as per the Pathfinder Initiative on Trade and the Digital Economy and the "Future Work" paper developed by CTI and endorsed by Ministers and Leaders last year. This discussion will take place in 2005 and will be organized in cooperation with the ECSG. • CTI agreed that economies would reflect their progress to implement the Leaders' Digital Economy Statement by updating their 2002 templates on the

ABAC Recommendation	CTI Response
	<p>status of their policies on services critical to e-commerce, intellectual property and tariffs.</p> <ul style="list-style-type: none"> GOS discussed services critical to electronic commerce, including discussing how to define express delivery services, and agreed to take this work under the Leaders' Digital Economy Statement forward in 2005.
<p>Trade Facilitation Action Plan</p> <ul style="list-style-type: none"> That APEC member economies steadily implement the actions and measures under the Trade Facilitation Action Plan. ABAC draws attention, in particular, to these measures: <ul style="list-style-type: none"> The implementation of paperless trading through development of a single window system. The development and adoption of advanced risk management methodology. Improving the transparency of customs and other trade-related laws, regulations and procedures. 	<ul style="list-style-type: none"> CTI worked with ABAC to organize an Expanded Dialogue on Trade Facilitation in October 2004, which allowed APEC to take stock of progress accomplished in implementing the 2002 Trade Facilitation Action Plan and discuss a way forward for APEC. CTI commissioned an expert to prepare a report assessing the implementation of APEC's Trade Facilitation Action Plan, which demonstrated that APEC economies are indeed implementing the concrete actions and measures they listed in 2002. However, the report pointed to the need for additional work in several areas. CTI endorsed a series of recommendations emanating from the Expanded Dialogue on Trade Facilitation. These recommendations draw largely from the expert's report, and cover three areas: deepening and better monitoring the implementation of the Trade Facilitation Action Plan; better interaction with business; and a proposed APEC contribution to the work of the WTO on trade facilitation (see Appendix I). Eighteen member economies submitted progress reports on their implementation of the Trade Facilitation Action Plan, showing substantial progress since the adoption of the Action Plan in 2002. CTI completed a project, overseen by China, aimed at measuring APEC's progress in reaching its target of cutting transaction costs by 5 percent. CTI sub-fora organized a wide range of capacity building projects on trade facilitation (see attached table listing sub-fora activities). CTI completed a project, overseen by Canada, that offers recommendations on how to facilitate trade for SMEs owned by women. CTI completed a project, overseen by Malaysia, that examines developments in trade facilitation and in efforts to secure trade. It is intended to contribute to the wider goal of developing and demonstrating an efficient and integrated response in the region to the risk posed by the threat of terrorism to the region's growth and prosperity. SCCP included in its work program implementation of the CAP item: Risk Management Techniques. The objective is to support implementation of advanced Risk Management practices to facilitate legitimate trade and travel, while maintaining effective customs control. To date, 18 member economies have completed this CAP. Like other CTI-sub-fora in their fields, In February 2004, SCCP agreed on an implementation plan for the APEC Transparency Standards on Customs Procedures. This covers various aspects of public Customs information, including: publication of changes

ABAC Recommendation	CTI Response
	<p>to Customs regulations or procedures; implementation of Advanced Rulings; maintaining procedural transparency and fairness in Customs procedures and establishing Customs contact points for the public.</p> <ul style="list-style-type: none"> • The <i>Blueprint on Customs Procedures</i> is an annual SCCP publication that promotes transparency and informs the private sector about SCCP activities, Customs-related laws and regulations, and how this information relates to business. • SCCP organized a “Seminar on Trade Facilitation/Customs Procedures” in the second half of 2004.
<p>Standards and Conformance</p> <ul style="list-style-type: none"> • That APEC economies renew the commitment to aligning domestic standards with international standards. • That all APEC economies adopt Codex food standards, implement the Medical Equipment Regulatory Harmonization and promote greater co-operation on health care accreditation. 	<ul style="list-style-type: none"> • SCSC held a Policy Dialogue with ABAC on Standards in September 2004 aimed at enhancing SCSC’s responsiveness to business needs on standards and conformance matters. • A comprehensive review is scheduled for 2005. • SCSC organized a series of capacity building programs to train officials and relevant bodies from developing economies and to encourage their active participation in the international standardization process and in the development of standards in specific areas such as ISO14000 series product oriented standards as well as a training program for GRP. • CTI will organize two Regional Seminars for Government Regulators: Harmonization of Medical Device Regulation (one in Asia, the other in Latin America) for government regulators of medical devices in APEC economies with developing medical device regulatory systems. The seminars will address the benefits to patients, regulators, industry, the regions, and to global/regional trade when each economy implements a medical device regulatory system based on harmonized standards and procedures.
<p>Strengthening IPR Protection</p> <ul style="list-style-type: none"> • That APEC member economies take the following actions to strengthen IPR protection, particularly to secure enforcement: <ul style="list-style-type: none"> - promote public awareness of the importance of IPR protection - establish an APEC IPR Service Centre in each member economy - adopt and ratify the WIPO Digital Treaties - develop a comprehensive strategy on IP protection in APEC. 	<ul style="list-style-type: none"> • IPEG member economies conducted seminars on implementation of the WTO TRIPs Agreement and enforcement of intellectual property rights to assist members to develop the capabilities of government officials and business people in the APEC region. • IPEG enhanced IPEG website by adding a discussion board, links to the IPR service centers of all the members, and an enforcement database • IPEG has developed an APEC IPR Service Center Manual that will provide references to economies intending to establish APEC IPR Service Centres. To-date two member economies have established their APEC IPR Service centers and five member economies plan to have their APEC IPR Service Centers operational by the end of 2005. • IPEG will complete a public awareness program that was designed and started in late 2002 to increase the understanding and use of IP in Southeast Asian countries such as Indonesia, the Philippines and Viet Nam in December 2004. • IPEG completed a report on <i>IPR Policy Progress Mapping the Comprehensive Strategy on IPRs in</i>

ABAC Recommendation	CTI Response
	<p>APEC which summarized each economy's progress on IPR protection and its enforcement in a concise and user-friendly manner along with information on the current legal schemes and enforcement statistics for the 1998–2003 period.</p>
<p>Movement of Business People</p> <ul style="list-style-type: none"> • That APEC member economies should participate in and implement the APEC Business Travel Card scheme expeditiously; review and standardize the regulations regarding the ABTC to improve the user-friendliness of the scheme; and enhance efforts to disseminate information on the benefits and the operation of the scheme. 	<ul style="list-style-type: none"> • Participation in the ABTC Scheme has increased to 16 with Papua New Guinea and Singapore as the latest additions. • IEGBM members are starting to discuss possible future improvements to the ABTC, and ABTC participants are undertaking greater promotion of the Card.
<p>Legal Infrastructure</p> <ul style="list-style-type: none"> • That APEC member economies take the following steps to strengthen economic legal infrastructure: <ul style="list-style-type: none"> - enhance predictability, transparency, and objectivity of litigation procedures, especially to avoid delays - secure expeditious enforcement of debt collection - reinforce mechanisms for alternate dispute resolution - improve public access to legal precedent. 	<ul style="list-style-type: none"> • The Strengthening Economic Legal Infrastructure (SELI) Coordinating Group continued to identify mechanisms for strengthening economic legal infrastructure, focusing in particular on corporate law and competition law/policy and capacity and institutional building through holding seminars on enforcement of competition policies and corporate governance. • SELI will complete its APEC Training Program on Competition Policy with further training sessions taking place in Malaysia, Indonesia and Viet Nam. • SELI members also conducted self-funded projects in 2004, which included the Seminar on Enforcement of Business Regulations and Commercial Laws in the APEC region; and the Seminar on Enforcement in Corporate Governance and Capacity Building Program for the Implementation of the Accounting Act, with Thailand as a current case study
<p>To Reinforce Trade and Business Facilitation</p> <ul style="list-style-type: none"> • That APEC take further steps to build the capacity of developing member economies to participate in international standard setting bodies. These steps are to include building technical competence to enable regulators to cooperate actively in the international standard setting process, allowing governments to move towards MRAs, and towards the objective of "one standard, one test, accepted everywhere, which are based on market forces not government mandate. 	<ul style="list-style-type: none"> • The SCSC continues to promote capacity building among APEC members and to encourage economies' participation in international standard setting bodies. An unresolved challenge for the SCSC, and for APEC more broadly, is gaining the direct participation and support of regulators from APEC economies.

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RECOMMENDATIONS

RECOMMENDATIONS

CTI recommends that Ministers:

- *Endorse* CTI's 2004 Annual Report, including the Collective Action Plans in Appendix VI;
- *Endorse* the Transparency Standards on Government Procurement and recommend that Leaders in Santiago incorporate these into the Leaders' Statement to Implement APEC Transparency Standards;
- *Approve* revisions to the Individual Action Plan to reflect the Leaders' General Transparency Standards in a new Transparency IAP template, and the Leaders' area-Specific Transparency Standards in the existing IAP templates;
- *Approve* the IAP template on RTAs and FTAs developed by CTI to increase transparency for business and all stakeholders by providing information on these agreements, including links to their texts on economies' own websites;
- Welcome the Expanded Dialogue on Trade Facilitation, note the results of the mid-term review of the implementation of the APEC Trade Facilitation Action Plan, and endorse series of recommendations emanating from the Expanded Dialogue on Trade Facilitation in three areas: deepening and better monitoring the implementation of the Trade Facilitation Action Plan; better interaction with business; and advancing trade facilitation negotiations in a WTO context (see Appendix I).
- *Consider* MAG's indicative list of IT products on which tariffs could be eliminated so that it can be forwarded to the WTO, and welcome Mexico's list of IT products for unilateral tariff elimination
- *Welcome* progress made on the implementation of APEC's :
 - Trade Facilitation Action Plan;
 - Strategic Plan on Capacity Building Related to the Implementation of WTO Agreements;
 - TILF-related pathfinder initiatives and the strategy to improve the effectiveness of Pathfinder Initiatives; and
 - Leaders' Transparency Standards by 2005 work plan.
- *Welcome*
 - Australia's and Canada's participation in the Pathfinder Statement on Trade and the Digital Economy and the CTI's work to update the digital economy template to report economies' progress to implement Leaders' objectives on e-commerce, services critical to e-commerce, intellectual property, and tariffs;
 - CTI's contribution to the implementation of APEC's security commitments;
 - The Intellectual Property Rights Experts Group's (IPEG) work on Best Practices for Combating Optical Disk Piracy;
 - CTI's work on identifying transparency issues of key importance to the business community, and ask CTI to develop a list for Ministers' consideration by the time of the 2005 MRT;
 - CTI's activities in support of the implementation of the APEC Structural Reform Action Plan;
 - The establishment of two IPR Service Centers, and the fact that five Centers that will be operational by end-2005, and call on all other APEC economies to establish IPR Service Centers as soon as possible;
 - The work on IPR Policy Progressing Mapping and the follow-up report on the Comprehensive Strategy on IPR in APEC;
 - The second meeting of the Life Sciences Innovation Forum and the development of a Strategic Plan for Life Sciences Innovation in the APEC region;
 - CTI's work on supporting potential women exporters; and
 - The outcomes of the Sixth Automotive Dialogue, Third Chemical Dialogue and the Second meeting of the Life Sciences Innovation Forum and preparations for the First Non-ferrous Metals Dialogue.

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APPENDIXES

APPENDIX I

Recommendations from the Expanded Dialogue on Trade Facilitation

SUMMARY AND RECOMMENDATIONS OF THE APEC EXPANDED DIALOGUE ON TRADE FACILITATION

The APEC Expanded Dialogue on Trade Facilitation (EDTF) took place on October 1, 2004, in Santiago, Chile. It was organized by the APEC Committee on Trade and Investment (CTI) and the APEC Business Advisory Council (ABAC) and brought together government officials, business people, academics, and representatives of international organizations. It was chaired by Mr. Hernan Somerville, Chair of ABAC.

The EDTF was mandated by the 2002 APEC Trade Facilitation Action Plan (TFAP). Its objectives were, at the mid-point of the TFAP (which runs from 2002 to 2006), to assess whether APEC is on track to meeting the Shanghai Accord's target of cutting transaction costs by 5 percent in the region.

The overall results of this assessment were positive, with participants, including ABAC members, showing appreciation for the hard work that has been achieved by member economies since 2002, as reported in economies' progress reports submitted in advance of the EDTF. An expert hired by the CTI to perform an assessment of the implementation of the TFAP concluded that, by and large, economies were indeed implementing the measures they said they had listed in 2002. Initial results of measurement exercises such as time release surveys and a project of the APEC Economic Committee, were also very encouraging and revealed that transaction costs do indeed seem to be going down in the region. The overwhelming view expressed by experts at the EDTF was that the goal of a 5 percent reduction in transaction costs is being achieved and that we are on track to meet the 2006 target.

However, a number of participants pointed to the need for additional work. The expert noted that, while progress has been accomplished, several concrete measures and actions have not yet been implemented, and that developing economies will need more capacity building in order to implement them by the 2006 deadline. He also noted that it was impossible to assess the quality of implementation of various measures.

Business participants provided assessments of APEC's work in four areas: customs, business mobility, standards and conformance, and e-commerce. While recognizing that progress has been made, they pointed to a number of additional actions that need to be implemented. ABAC also noted that APEC's efforts to date to measure progress against the 5% target do not necessarily provide data that is meaningful to business.

Participants also said that APEC needs to play a role in helping to advance trade facilitation in the WTO, with ABAC suggesting specific steps to this end.

As a result of the EDTF, CTI agreed to recommend that SOM and Ministers agree on the following list of measures to ensure that the TFAP leads to truly successful results by 2006:

1. APEC economies will deepen and better monitor the implementation of the Trade Facilitation Action Plan.
 - a. In 2005, APEC economies will continue to report on trade facilitation implementation in their IAPs and are encouraged to update their lists of concrete actions and measures where necessary. As agreed by Leaders, in 2006, economies will provide a final report on their implementation of the Trade Facilitation Action Plan (TFAP). To facilitate this, the CTI will update the template used for the TFAP mid-term review. The CTI will also (with SOM approval) develop a plan for an overall assessment of economies' progress toward the implementation of their actions and measures which will include input from the private sector and outside experts, and which will be aimed at better supporting the implementation of the TFAP by individual economies.

- b. In 2005, APEC economies will identify a short list of common capacity building needs, and endeavour to design capacity building programs to meet those needs in 2005 or 2006. Two lists of capacity building programs will be produced: one that APEC may be able to implement itself, and another one that requires the help of other organizations.
2. APEC economies will build a closer relationship with business on trade facilitation issues.
- a. All APEC fora dealing with trade facilitation, and in particular the SCCP, the SCSC, the IEGBM and the ECSG, will follow-up on their dialogues with ABAC that took place in 2004 and/or organize dialogues with ABAC and other private sector representatives in 2005. These Dialogues provide a better understanding of business needs on trade facilitation, which will be reflected in the activities of APEC fora, where necessary.
 - b. The Committee on Trade and Investment will continue to be represented at ABAC meetings and will regularly update ABAC's TILF working group on progress on trade facilitation.
 - c. ABAC will be invited to work with CTI and its sub-fora and the Economic Committee in devising methodologies to measure progress on trade facilitation that are meaningful to business. ABAC, the CTI, and the EC will keep each other informed of their work on trade facilitation. CTI will also continue its work on measuring APEC's progress on reaching the 5% target, including its work on time release surveys, with input from ABAC as necessary and where appropriate.
 - d. On a case-by-case basis, APEC will explore developing a closer relationship with private sector organizations interested in trade facilitation, where necessary
 - e. ABAC, working together with the CTI, will be encouraged to identify common real-life trade facilitation problems encountered by the private sector in the course of doing business in the regional and global markets. Having very specific examples will help make interaction with CTI and sub-fora more effective and help design better capacity building programs
3. APEC economies will work together to advance Trade Facilitation negotiations in the WTO.
- a. APEC economies will continue demonstrating leadership by agreeing on approaches for moving the negotiations forward, and submitting these approaches to the WTO for further consideration. As a first step, APEC economies agree to support ABAC's call that a trade facilitation agreement in the WTO should include commitments on transparency, efficiency, simplification, non-discrimination, procedural fairness, cooperation, and capacity building.
 - b. APEC economies will use the Geneva Caucus to showcase what they are doing to advance trade facilitation in their own economies, therefore helping other WTO members seeking to improve their own trade facilitation regimes to benefit from a better understanding of the practical, step-by-step approaches that some APEC economies have taken.
 - c. APEC will provide capacity building that assists economies to advance trade facilitation negotiations in the WTO, particularly with regards to understanding the issues involved in the WTO negotiations and participating effectively in the negotiations.

APPENDIX II

IAP chapter Templates Incorporating APEC's Sector-Specific and General Transparency Standards*

* The reporting categories in the specific chapter templates should be read in conjunction with the APEC IAP Format Guidelines that were endorsed in 2000. Copy of which can be found on APEC homepage at http://www.apec.org/apec/about_apec/policies_and_procedures.html

TRANSPARENCY

Transparency is a General Principle in the Osaka Action Agenda. To build on this, APEC Leaders agreed in the 2001 Shanghai Accord to develop transparency standards and report progress in the Individual Action Plan. Since 2002, Leaders agreed in the Leaders' Statement to Implement APEC Transparency Standards to General Transparency Standards, including on monetary, financial and fiscal policies and dissemination of macroeconomic policy data, and to area-Specific Transparency Standards on tariffs, non-tariff measures, services, investment, standards and conformance, customs procedures, intellectual property rights, competition policy, deregulation/regulatory review, mobility of business people and government procurement. Leaders agreed to review the Transparency Standards periodically and, where appropriate, review, revise and expand them further.

	<i>Economies' Current Approach to Transparency</i>	<i>Future Improvements Planned</i>
<i>Economies' General Framework for Ensuring Transparency in areas covered by Leaders' General Transparency Standards*</i>		
<i>Transparency in monetary, financial and fiscal policies and dissemination of macroeconomic policy data**</i>		

* Economies should report against the actual language in the APEC Leaders' General Transparency Standards, paragraphs 1 through 6 and 11, which can be found in the Appendix attached at the end of this document.

** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Transparency in Monetary, Financial and Fiscal Policies and the Dissemination of Macroeconomic Policy Data, paragraphs 9 and 10, which can be found in the Appendix attached at the end of this document.

Appendix – APEC Leaders Transparency Standards, paragraphs 1 through 6 and 9 through 11.

General Principles

1. (a) Each Economy will ensure that its laws, regulations, and progressively, procedures and administrative rulings of general application respecting matters in Section C of Part One of the Osaka Action Agenda are promptly published or otherwise made available, for example via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them. (b) Each Economy will have or designate an official journal or journals and publish any measures referred to in paragraph 1 in such journals. Each Economy will publish such journals on a regular basis and make copies of them readily available to the public. (c) An Economy may comply with subparagraph (b) by publication on the Internet. (d) Each Economy will promote observance of the provisions of this paragraph by the regional and local governments and authorities within its customs territory.
2. When possible, each Economy will: (a) publish in advance any measure referred to in paragraph 1 that it proposes to adopt; and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures.
3. Upon request from an interested person or another Economy, an Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed measure referred to in paragraph 1.
4. Each Economy will ensure in its administrative proceedings applying any measure referred to in paragraph 1 that: (a) wherever possible, persons of another Economy that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy; (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the public interest permit; and (c) its procedures are in accordance with domestic law.
5. Where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding matters covered by these Standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions; (c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and (d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.
6. For purposes of these Standards, administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within its ambit and that establishes a norm of conduct but does not include: (a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of another Economy in a specific case; or (b) a ruling that adjudicates with respect to a particular act or practice.

Transparency in Monetary, Financial and Fiscal Policies and the Dissemination of Macroeconomic Policy Data

9. Prior to our agreement in the Shanghai Accord to implement APEC transparency principles, we agreed in Brunei Darussalam in 2000 to support the key standards identified by the Financial Stability Forum. Three of these key standards focus on transparency: (a) Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles; (b) Code of Good Practices on Fiscal Transparency; and (c) General and Special Data Dissemination Standards.

10. Following APEC Finance Ministers' decision to support the assessment of Economies' implementation of these transparency codes through the IMF-led Reports on the Observance of Standards and Codes (ROSCs), Economies are encouraged to participate fully in the ROSC program. As voluntary disclosure of ROSC modules promotes transparency, Economies should, where practicable, disclose the results of these assessments.

11. The provisions of this Statement will not require any Economy to disclose confidential information where such disclosure would impede law enforcement, the enactment of laws, or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular persons or enterprises.

CHAPTER 1: TARIFFS¹

Objective

APEC economies will achieve free and open trade in the Asia-Pacific region by:

- a. *progressive reduction of tariffs until the Bogor goals are fully achieved; and*
- b. *ensuring the transparency of APEC economies' respective tariff regimes.*

Guidelines

Each APEC economy will:

- a. *take into account, in the process of achieving the above objective, intra-APEC trade trends, economic interests and sectors or products related to industries in which this process may have positive impact on trade and on economic growth in the Asia-Pacific region and developments in the new economy;*
- b. *ensure that the achievement of the above objective is not undermined by the application of unjustifiable measures;*
- c. *consider extending, on a voluntary basis, to all APEC economies the benefits of tariff reductions and eliminations derived from sub-regional arrangements; and*
- d. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

Collective Actions

APEC economies will:

- a. *participate and ensure the expeditious supply and updates of the WTO Integrated Database and any other APEC databases;*
- b. *arrange for seminars and/or workshops on industrial tariffs negotiations in consultation with international organisations, where appropriate, including WTO Secretariat on WTO Integrated Tariff Database;*
- c. *study lessons from modalities for tariff reduction and elimination in regional arrangements; and*
- d. *encourage the accession of all economies to the WTO Information Technology Agreement, including the adoption of ITA provisions by non-members of the WTO.*

¹ "Tariffs" here refers to import/export tariffs as well as tariff quotas.

CHAPTER 1: TARIFFS¹

The current CAP relating to tariffs can be found in the [Tariffs and Non-Tariff Measures Collective Action Plan](#)

{Economy's} Approach to Tariffs in {Year}

Case Study of a Tariff Liberalisation Initiative

<i>{Economy's} Approach to Tariffs in {Year}</i>			
<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Tariff Arrangements</i>	<i>Further Improvements Planned</i>
<i>Bound Tariffs</i>			
<i>Applied Tariffs</i>			
<i>Tariff Quotas</i>			
<i>Tariff Preferences</i>			
<i>Transparency of Tariff Regime, including Implementation of APEC Leaders' Transparency Standards on Market Access*</i>			

***Economies should report against the actual language in the APEC Leaders' Transparency Standards on Market Access, which can be found in the Appendix at the end of this document.**

<i>Improvements in {Economy's} Approach to Tariff Measures since 1996</i>		
<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cumulative Improvements Implemented to Date</i>
<i>Bound Tariffs</i>		
<i>Applied Tariffs</i>		
<i>Tariff Quotas</i>		
<i>Tariff Preferences</i>		
<i>Transparency of Tariff Regime, including Implementation of APEC Leaders' Transparency Standards on Market Access*</i>		

* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Market Access, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.

APEC INDIVIDUAL ACTION PLAN: TARIFF SUMMARY REPORT FOR {Year}

(PLEASE COMPLETE BOXES)

	Manufactured Articles, n.e.s	Mineral Products, Precious Stones & Metals	Electric Machinery	Non-Electric Machinery	Transport Equipment	Chemical & Photographic Supplies	Metals	Leather, Rubber, Footwear and Travel Goods	Textiles and Clothing	Wood, Pulp, Paper and Furniture	Petroleum Oils	Fish and Fish Products	Agriculture excluding Fish	All Goods
ITEM														
Bound tariff lines as a percentage of all lines														
Duty-free tariff lines as a percentage of all lines														
Preferential tariff lines as a percentage of all lines														
Ratio of tariff lines with quotas to all lines														
Simple average bound tariff rate														
Simple average applied tariff rate														
Simple average applied preferential tariff rate - indicate for each preferential arrangement														
Average applied tariff rate for all lines subject to duty														
Import-weighted average applied tariff rate - specify FOB or CIF														
Import-weighted average bound tariff rate - specify FOB or CIF														
<u>Notes</u>														

APEC INDIVIDUAL ACTION PLAN: TARIFF DISPERSION TABLE FOR {Year}

(PLEASE COMPLETE BOXES)

	Manufactured Articles, n.e.s	Mineral Products, Precious Stones & Metals	Electric Machinery	Non-Electric Machinery	Transport Equipment	Chemical & Photographic Supplies	Metals	Leather, Rubber, Footwear and Travel Goods	Textiles and Clothing	Wood, Pulp, Paper and Furniture	Petroleum Oils	Fish and Fish Products	Agriculture excluding Fish	All Goods
NUMBER OF TARIFFS AT OR BETWEEN														
0%														
0%<X<=5%														
5%<X<=10%														
10%<X<=15%														
15%<X<=20%														
>20%														
Specific														
TOTAL														
<u>Note</u>														

Appendix – APEC Leaders’ Transparency Standards on Market Access

Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the Market Access Group developed the following set of transparency standards on market access for incorporation into the Leaders’ Statement.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos and provide specific guidance for implementation within a market access context.

Transparency Standards on Tariff and Non-Tariff Measures:

1. (a) In accordance with paragraph 1 of the Leaders’ Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media (for example via the Internet), information on its laws, regulations, and progressively, procedures and administrative rulings relating to tariff and non-tariff measures.

(b) Such information could include publication of the following measures: (i) tariff schedules, with current applied tariff rates, on the Internet; (ii) details of preferential tariff programs; (iii) tariff rates applicable under Free Trade Agreements and Regional Trade Agreements; and (iv) NTMs maintained by member economies.

2. In accordance with paragraph 2 of the Leaders’ Statement, when possible each Economy will endeavour to publish in advance any tariff or non-tariff measure that it proposes to adopt, and provide interested persons a reasonable opportunity to comment on such proposed measures.

3. In accordance with paragraph 3 of the Leaders’ Statement, upon request from an interested person or another Economy, each Economy will endeavour to promptly provide information and respond to questions pertaining to any actual or proposed measures referred to in paragraph 1 above.

4. Each Economy will endeavour to ensure that non-tariff measures are administered in a transparent manner, so as to mitigate their effect on the trade and development of other Economies.

5. Each Economy that is a WTO Member will, where possible, provide information on non-tariff measures when requested by other WTO Members in the context of the WTO negotiations on market access and will participate actively in these negotiations as they move forward.

6. Each Economy that is a WTO Member will comply with notification procedures under the WTO Agreement on Import Licensing Procedures.

7. Each Economy that is a WTO Member will submit its updated tariff data (both bound, and, where possible, current applied) and trade data to the WTO Integrated Data Base on a timely basis. Economies in the process of acceding to the WTO will, where possible, submit current applied tariff and trade data to the WTO Integrated Data Base. Each economy will also submit current applied tariff data to the APEC tariff database in a timely manner.

8. Each Economy will provide to the APEC Secretariat for inclusion on the website of the Market Access Group (MAG) links to individual government websites, including, where possible, links to specific officials responsible for developing, administering, implementing and/or enforcing policies related to tariff and non-tariff measures. Each Economy further agrees to provide current information on import regulations for the MAG's Import Regulation website. Each Economy will also provide as much information as possible on rules and procedures, and details of enquiry points, in its e-Individual Action Plan.

CHAPTER 2: NON-TARIFF MEASURES²

Objective

APEC economies will achieve free and open trade in the Asia-Pacific region by:

- a. *progressively reducing NTMs to the maximum extent possible to minimize possible distortion to trade;*
- b. *in respect to WTO members:*
 - *Elimination of any measures inconsistent with WTO agreements*
 - *Full compliance with WTO agreements in accordance to WTO commitments; and*
- c. *ensuring the transparency of APEC economies' respective non-tariff measures.*

Guidelines

Each APEC economy will:

- a. *take into account, in the process of progressive reduction of non-tariff measures, intra-APEC trade trends, economic interests, sectors or products related to industries in which this process may have positive impact on trade and on economic growth in the Asia-Pacific region and developments in the new economy;*
- b. *ensure that the progressive reduction of non-tariff measures is not undermined by the application of unjustifiable measures;*
- c. *consider extending, on a voluntary basis, to all APEC economies the benefits of reductions and eliminations of non-tariff measures derived from sub-regional arrangements;*
- d. *ensure that measures to promote the new economy and strengthening the functioning of markets are consistent with the objectives above; and*
- e. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

² These non-tariff measures include but are not restricted to quantitative import/export restrictions/prohibitions, import/export levies, minimum import prices, discretionary import/export licensing, voluntary export restraints and export subsidies.

CHAPTER 2: NON-TARIFF MEASURES²

Collective Actions

APEC economies will:

- a. *pursue incorporation of information on non-tariff measures into a future version of the APEC tariff database and compile a list of measures recognized as non-tariff impediments and a list of products affected by these impediments;*
- b. *identify industries in which the progressive reduction of non-tariff measures may have positive impact on trade and on economic growth in the Asia-Pacific region or for which there is regional industry support for early liberalization;*
- c. *progressively reduce export subsidies with a view to abolishing them;*
- d. *abolish unjustifiable export prohibitions and restrictions and endeavor to refrain from taking any such new measures;*
- e. *pursue a series of seminars/policy discussions on non-tariff measures (NTMs); and*
- f. *undertake research to develop best practices to enhance transparency and progressively reduce NTMs*

The current CAP relating to non-tariff measures can be found in the Tariffs and Non-Tariff Measures Collective Action Plan.

{Economy's} Approach to Non-Tariff Measures in {Year}

Case Study of an NTM Reduction or Elimination Initiative

{Economy's} Approach to Non-Tariff Measures in {Year}

Section	Improvements Implemented Since Last IAP	Current Non-Tariff Measures Applied	Further Improvements Planned
Quantitative Import Restrictions/ Prohibitions			
Quantitative Export Restrictions/ Prohibitions			
Import Levies			
Export Levies			
Discretionary Import Licensing			
Automatic Import Licensing			
Discretionary Export Licensing			

<i>{Economy's} Approach to Non-Tariff Measures in {Year}</i>			
<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Non-Tariff Measures Applied</i>	<i>Further Improvements Planned</i>
<i>Voluntary Export Restraints</i>			
<i>Export Subsidies</i>			
<i>Minimum Import Prices</i>			
<i>Implementation of APEC Leaders' Transparency Standards on Market Access*</i>			
<i>Other Non-Tariff Measures Maintained</i>			

* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Market Access, which can be found in the Appendix at the end of this document.

Improvements in {Economy's} Approach to Non-Tariff Measures since 1996

Section	Position at Base Year (1996)	Cumulative Improvements Implemented to Date
General Policy Position		
Quantitative Import Restrictions/ Prohibitions		
Quantitative Export Restrictions/ Prohibitions		
Import Levies		
Export Levies		
Discretionary Import Licensing		
Automatic Import Licensing		
Discretionary Export Licensing		
Voluntary Export Restraints		

Improvements in {Economy's} Approach to Non-Tariff Measures since 1996

Section	Position at Base Year (1996)	Cumulative Improvements Implemented to Date
<i>Export Subsidies</i>		
<i>Minimum Import Prices</i>		
<i>Implementation of APEC Leaders' Transparency Standards on Market Access*</i>		
<i>Other Non-Tariff Measures Maintained</i>		

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Market Access, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

Appendix – APEC Leaders’ Transparency Standards on Market Access

Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the Market Access Group developed the following set of transparency standards on market access for incorporation into the Leaders’ Statement.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos, and provide specific guidance for implementation within a market access context.

Transparency Standards on Tariff and Non-Tariff Measures:

1. (a) In accordance with paragraph 1 of the Leaders’ Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media (for example via the Internet), information on its laws, regulations, and progressively, procedures and administrative rulings relating to tariff and non-tariff measures.

(b) Such information could include publication of the following measures: (i) tariff schedules, with current applied tariff rates, on the Internet; (ii) details of preferential tariff programs; (iii) tariff rates applicable under Free Trade Agreements and Regional Trade Agreements; and (iv) NTMs maintained by member economies.

2. In accordance with paragraph 2 of the Leaders’ Statement, when possible each Economy will endeavour to publish in advance any tariff or non-tariff measure that it proposes to adopt, and provide interested persons a reasonable opportunity to comment on such proposed measures.

3. In accordance with paragraph 3 of the Leaders’ Statement, upon request from an interested person or another Economy, each Economy will endeavour to promptly provide information and respond to questions pertaining to any actual or proposed measures referred to in paragraph 1 above.

4. Each Economy will endeavour to ensure that non-tariff measures are administered in a transparent manner, so as to mitigate their effect on the trade and development of other Economies.

5. Each Economy that is a WTO Member will, where possible, provide information on non-tariff measures when requested by other WTO Members in the context of the WTO negotiations on market access and will participate actively in these negotiations as they move forward.

6. Each Economy that is a WTO Member will comply with notification procedures under the WTO Agreement on Import Licensing Procedures.

7. Each Economy that is a WTO Member will submit its updated tariff data (both bound, and, where possible, current applied) and trade data to the WTO Integrated Data Base on a timely basis. Economies in the process of acceding to the WTO will, where possible, submit current applied tariff and trade data to the WTO Integrated Data Base. Each economy will also submit current applied tariff data to the APEC tariff database in a timely manner.

8. Each Economy will provide to the APEC Secretariat for inclusion on the website of the Market Access Group (MAG) links to individual government websites, including, where possible, links to specific officials responsible for developing, administering, implementing and/or enforcing policies related to tariff and non-tariff measures. Each Economy further agrees to provide current information on import regulations for the MAG's Import Regulation website. Each Economy will also provide as much information as possible on rules and procedures, and details of enquiry points, in its e-Individual Action Plan.

CHAPTER 3: SERVICES

Objective

APEC economies, in accordance with the APEC Policy Framework for Work on Services, will achieve free and open trade and investment in the Asia-Pacific region by:

- a. progressively reducing restrictions on market access for trade in services;*
- b. progressively providing for inter-alia most favored nation (MFN) treatment and national treatment for trade in services;*
- c. providing, in regulated sectors, for the fair and transparent development, adoption and application of regulations and regulatory procedures for trade in services; and*
- d. recognising the role that e-commerce plays in the supply and consumption of services.*

Guidelines

Each APEC economy will:

- a. contribute positively and actively to the WTO negotiations on trade in services;*
- b. expand commitments under the General Agreement on Trade in Services (GATS) on market access and national treatment and eliminate MFN exemptions where appropriate;*
- c. undertake further actions, where appropriate, to implement the APEC Menu of Options for Voluntary Liberalization, Facilitation and Promotion of Economic and Technical Cooperation in Services Trade and Investment;*
- d. make efforts to provide for the participation of concerned parties in regulations and regulatory processes, the fair and transparent application of regulations, and the prompt consideration of applications;*
- e. support APEC capacity building efforts to supply services by, inter-alia, strengthening infrastructure, promoting the use of advanced technologies and developing human resources; and*
- f. implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

CHAPTER 3: SERVICES

Collective Actions

APEC economies will take the following Collective Actions with regard to services in the telecommunications, transportation, energy and tourism sectors³, and continue to seek Collective Actions in other sectors

TELECOMMUNICATIONS

In accordance with the Cancun Declaration, APEC economies will:

- a. *work to bridge the digital divide at the domestic, regional and global levels, and to cooperate and collaborate with the business/private sector in this effort;*
- b. *foster discussion between business/private sector and governments on appropriate means to assess and reward the value of products and services exchanged in the provision of converged Internet services among APEC economies, consistent with the APEC Principles on International Charging Arrangements for Internet Services;*
- c. *foster the development of effective policies that support competitive markets in the domestic and international telecommunications and information industries;*
- d. *accelerate the pace of implementation of the Mutual Recognition Arrangement on Conformity Assessment for Telecommunications Equipment (MRA);*
- e. *work to ensure that policy and regulatory environments better foster the uptake of e-commerce;*
- f. *implement within voluntary time frames the APEC Interconnection Principles and consult on the need for further discussions on interconnection; and*
- g. *give attention to user requirements for open standards and systems to support interoperability*

In addition, APEC economies are encouraged to conform, where appropriate, to:

1. *The WTO Telecommunications Regulatory Principles Reference Paper;*
2. *The Information Technology Agreement (ITA); and*
3. *The Guidelines for Trade in International Value-Added Network Services (IVANS).*

TRANSPORTATION

APEC economies will:

- a. *respond to the Leaders 'Auckland Challenge' of 1999, by implementing the eight steps for more competitive air services on a voluntary basis and by identifying further*

³ The following Collective Actions have been extracted from the annexed Action Programs of Working Groups in which substantial progress has already been made in services, in order to illustrate liberalization and facilitation related activities to be undertaken in these sectors. Activities in these sectors are also dealt with in Part Two.

CHAPTER 3: SERVICES

steps to liberalize air services in accordance with the Bogor Goals, and provide annual progress reports to Leaders through SOM (Note: some components of this project may fall under Part II Ecotech, subject to further developments);

- b. *develop by 2005 an efficient, safe and competitive operating environment for maritime transport, including ports, in the region through improved transparency of maritime and port policies (Note: some components of this project may fall under Part II Ecotech, subject to further developments);*
- c. *complete the Road Transport Harmonization Project and encourage the development of mutual recognition arrangements for certification of automotive product and harmonization of economies' vehicle regulations through cooperation within United Nations Economic Commission for Europe; and*
- d. *seek to eliminate the requirement for paper documents (both regulatory and institutional) for the key messages relevant to international transport and trade as soon as practicable by 2005.*

ENERGY

APEC Economies, by developing and building on the 14 non-binding policy principles endorsed by APEC Energy Ministers at their Sydney meeting in 1996 which are consistent with the vision, objectives and strategic themes of the recently endorsed Future Directions Strategic Plan that will guide their work over the next five years:

- a. *will facilitate trade and investment in the energy sector by*
 - i. *responding to the outcomes of a current study on "Strengthening the Operational Aspects of APEC Energy Micro -Economic Reform" that will, inter-alia, inform on barriers to investment in the energy sector and how to remove the barriers.*
 - ii. *analysing the broad economic impacts of micro-economic reform policies to deregulate energy markets.*
 - iii. *responding as appropriate to the identification of the barriers (policy, technical, regulatory and legal) to the interconnection of power grids in APEC member economies.*
 - iv. *actively pursuing the Implementation Strategy and considering the use of Implementation Facilitation Assistance Teams (IFAT) to assist in further reform of the energy markets.*
 - v. *strengthening policy dialogue among member economies on important issues affecting energy markets.*
 - vi. *supporting the APEC 21st Century Renewable Energy Development Initiative which seeks to advance the use of renewable energy for sustainable economic development and growth in member economies.*
 - vii. *encouraging in the longer term a greater strategic input from business through the Energy Working Group Business Network (EBN).*
- b. *will seek to reduce barriers to trade created by differing energy performance test methods and energy performance requirements by supporting the establishment of an APEC Energy Efficiency Test Procedures Coordinator.*

CHAPTER 3: SERVICES

- c. *will strengthen energy security in the region by developing and implementing an energy security initiative with the aim of improving the functioning of energy markets; energy efficiency and conservation; diversification of energy resources; renewable energy development and deployment; and enhance short term preparedness such as oil stocks and surge production of oil; and explore the potential for alternative transport fuels*

TOURISM

APEC economies will:

- a. *Remove impediments to tourism business and investment by:*
- (i) promoting and facilitating the mobility of skills, training and labor;*
 - (ii) promoting and facilitating productive investment in tourism and associated sectors;*
 - (iii) removing regulatory impediments to tourism business and investment; and*
 - (iv) encouraging liberalization of services trade related to tourism under General Agreement on Trade in Services (GATS)*
- b. *Increase mobility of visitors and demand for tourism goods and services in the APEC region by:*
- (i) facilitating seamless travel for visitors;*
 - (ii) enhancing visitor experiences;*
 - (iii) promoting inter- and intra-regional marketing opportunities and cooperation;*
 - (iv) facilitating and promoting e-commerce for tourism business;*
 - (v) enhancing safety and security of visitors; and*
 - (vi) fostering a non-discriminatory approach to the provision of visitor facilities and services.*
- c. *Sustainably manage tourism outcomes and impacts by:*
- (i) demonstrate an appreciation and understanding of natural environment and seek to protect the environment*
 - (ii) foster ecologically sustainable development opportunities across the tourism sector, particularly for small and medium sized enterprises, employment and providing for open and sustainable tourism markets*
 - (iii) protect the social integrity of host communities with particular attention to the implications of gender in the management and development of tourism*
 - (iv) recognize, respect and preserve local and indigenous cultures together with our natural and national cultural heritage*
 - (v) enhance capability building in the management and development of tourism.*
- d. *Enhance recognition and understanding of tourism as a vehicle for economic and social development by:*
- (i) harmonizing methodologies for key tourism statistical collections, consistent with activities of other international tourism organizations*
 - (ii) facilitating the exchange of information on tourism between economies*
 - (iii) promoting comprehensive analysis of the role of tourism in member economies in promoting sustainable growth*
 - (iv) expanding our collective knowledge base on tourism issues in order to identify emerging issues and assist in the implementation of the Seoul Declaration on an APEC Tourism Charter.*

The current CAP relating to services can be found in the Services Collective Action Plan

{Economy's} Approach to Trade in Services in {Year}

Chapter 3: {Economy's} General Approach to Trade in Services in {Year}
**Competition Policy will be dealt with in the Competition Policy Chapter (link)*

Section	Improvements Implemented Since Last IAP	Current Entry Requirements	Further Improvements Planned
Foreign Investment or Right of Establishment (including Joint Venture Requirements)			
Temporary Entry and Stay of Service Providers and Intra-Corporate Transferees			
Foreign Exchange Control/ Movement of Capital			
Implement APEC Leaders' Transparency Standards on Services*			
Other Generic Requirements Applied to Trade in Services			

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* **Economies should report against the actual language in the APEC Leaders' Transparency Standards on Services, which can be found in the Appendix attached at the end of this document.**

Chapter 3: Improvements in {Economy's} Approach to Trade in Services since 1996

Section	Position at Base Year (1996)	Cumulative Improvements Made to Date
General Policy Position		
Foreign Investment or Right of Establishment (including Joint Venture Requirements)		
Temporary Entry and Stay of Service Providers and Intra-Corporate Transferees		
Foreign Exchange Control/ Movement of Capital		
Implement APEC Leaders' Transparency Standards on Services*		
Other Generic Requirements Applied to Trade in Services		

* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Services, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.

Appendix – APEC Leaders’ Transparency Standards on Services

Introduction

Economies agree to implement, in respect of services, the General Principles contained in paragraphs 1-6 and paragraph 11 of the Leaders’ Statement to Implement APEC Transparency Standards (“Leaders’ Statement”).

Economies believe that, in the services context, it is particularly important to emphasize Leaders’ observation that transparency contributes to: good governance; improving public confidence in, and legitimacy of, regulatory regimes; better understanding of regulatory objectives; more efficient markets; and a more attractive investment climate in both small and large economies.

Economies take note of Leaders’ recognition that implementation of these standards will be an important APEC-led contribution to achieving success in the WTO Doha Development Agenda (DDA) GATS negotiations.

Transparency Standards on Services:

1. (a) Each economy will, in the manner provided for in paragraph 1 of the General Principles in the Leaders’ Statement, ensure that its laws, regulations, and administrative procedures related to applications for licenses or authorizations (including, inter alia, licensing procedures and requirements/criteria, qualification procedures and requirements, and technical standards) and their renewal or extension are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them. (b) Economies will use the Internet as much as possible, and specifically, official government web sites, to fulfill this obligation.
2. Economies will publicize and maintain at least one enquiry point that will endeavor to promptly provide information and respond to questions from an interested person or another Economy pertaining to any actual or proposed measure. Economies will also make the names, official addresses, and other contact information (including website, telephone, facsimile) of its enquiry point(s) publicly available.
3. Economies will diligently complete and provide annual updates to their electronic Individual Action Plans (E- IAPs) for services sectors.
4. Regarding authorizations and licensing procedures, when possible: (a) the competent authorities of an Economy will, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. The competent authorities will establish deadlines for processing of completed applications under normal circumstances. (b) at the request of the applicant, the competent authorities of the Economy will provide, without undue delay, information concerning the status of the application, including any reason for denial. Applicants will also be given the opportunity to resubmit or amend their application for further review, or file an appeal if an application is denied or found in violation of public regulations. (c) Examinations required as part of the application process for a license or authorization will be offered at reasonable intervals and cost.
5. These Standards should be administered in a reasonable, objective and impartial manner.

CHAPTER 4: INVESTMENT

Objective

APEC economies will achieve free and open investment in the Asia-Pacific region by:

- a. *liberalizing their respective investment regimes and the overall APEC investment environment by, inter-alia, progressively providing for MFN treatment and national treatment and ensuring transparency;*
- b. *facilitating investment activities through, inter-alia, technical assistance and cooperation, including exchange of information on investment opportunities; and,*
- c. *implementing and maintaining standards consistent with the APEC Leaders' Transparency Standards.*

Guidelines

Each APEC economy will:

- a. *progressively reduce or eliminate exceptions and restrictions to achieve the above objective, using as an initial framework the WTO Agreement, the APEC Non-Binding Investment Principles, the APEC Leaders' Transparency Standards, any other international agreements relevant to that economy, and any commonly agreed guidelines developed in APEC including the Menu of Options for Investment Liberalization and Business Facilitation;*
- b. *seek to expand APEC's network of bilateral and regional investment agreements and contribute to multilateral work on investment;*
- c. *facilitate investment flows within the Asia-Pacific region through promoting awareness of investment opportunities, undertaking capacity building and technical cooperation activities, and implementing measures such as those in the Menu of Options; and*
- d. *examine ways to incorporate new investment forms and activities for the economic development of the Asia-Pacific region including investment forms and activities that support the new economy.*

CHAPTER 4: INVESTMENT

Collective Actions

APEC economies will:

1. *Transparency*
Short-term
 - a. *Increase the transparency of APEC investment regimes by:*
 - (i) *Updating the APEC Guidebook on Investment Regimes;*
 - (ii) *Establishing software networks on investment regulation and investment opportunities;*
 - (iii) *Improving the state of statistical reporting and data collection;*
 - (iv) *Increasing understanding among member economies on investment policy-making issues; and*
 - (v) *Fully implementing and maintaining the APEC Leaders' Transparency Standards.*
2. *Policy Dialogue*
Short-term
 - b. *Promote dialogue with the APEC business community on ways to improve the APEC investment environment.*
 - c. *Continue a dialogue with appropriate international organizations dealing with global and regional investment issues.*
3. *Study and Evaluation*
Short-term
 - d. *Define and implement follow-on training to the WTO implementation seminars;*
 - e. *Undertake an evaluation of the role of investment liberalization in economic development in the Asia-Pacific region.*
 - f. *Study possible common elements between existing subregional arrangements relevant to investment.*

Medium-term

 - g. *Refine APEC's understanding of free and open investment.*

Long-term

 - h. *Assess the merits of developing an APEC-wide discipline on investment in the light of APEC's own progress through the medium-term, as well as developments in other international fora.*
 - i. *Study the advantages and disadvantages of creating investment rules – bilateral, regional, or multilateral – with a view to fostering a more favorable investment environment in the Asia-Pacific region.*
4. *Facilitation*
Short-term and continuing
 - j. *Undertake practical facilitation initiatives by:*
 - (i) *Progressively working towards reducing impediments to investments including those investments related to e-commerce;*
 - (ii) *Undertaking the business facilitation measures to strengthen APEC economies; and*

CHAPTER 4: INVESTMENT

(iii) Initiating investment promotion and facilitation activities to enhance investment flow within APEC economies.

5. *Economic and Technical Cooperation*

Short-term

k. Identify ongoing technical cooperation needs in the Asia-Pacific region and organize training programs which will assist APEC economies in fulfilling APEC investment objectives.

6. *Capacity Building Initiatives*

l. Undertake new activities that contribute to capacity building.

7. *Menu of Options*

m. Ongoing improvement of the Menu of Options.

The current CAP relating to investment can be found in the Investment Collective Action Plan.

{Economy's} Approach to Investment in {Year}

{Economy's} Approach to Investment Measures in {Year}

<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Investment Measures Applied</i>	<i>Further Improvements Planned</i>
<i>General Policy Framework</i>			
<i>Transparency Implement APEC Leaders' Transparency Standards on Investment*</i>			
<i>Non-discrimination</i>			
<i>Expropriation and Compensation</i>			
<i>Protection from Strife and Similar Events</i>			
<i>Transfers of capital related to investments</i>			

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Investment, which can be found in the Appendix attached at the end of this document.**

{Economy's} Approach to Investment Measures in {Year}

Section	Improvements Implemented Since Last IAP	Current Investment Measures Applied	Further Improvements Planned
<i>Performance Requirements</i>			
<i>Entry and Stay of Personnel</i>			
<i>Settlement of Disputes</i>			
<i>Intellectual Property</i>			
<i>Avoidance of Double Taxation</i>			
<i>Competition Policy and Regulatory Reform</i>			
<i>Business Facilitating Measures to Improve the Domestic Business Environment</i>			

<i>{Economy's} Approach to Investment Measures in {Year}</i>			
<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Investment Measures Applied</i>	<i>Further Improvements Planned</i>
<i>Other Investment Measures</i>			

<i>Improvements in {Economy's} Approach to Investment Measures since 1996</i>		
<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cumulative Improvements Made to Date</i>
<i>General Policy Framework</i>		
<i>Transparency</i> <i>Implement APEC Leaders' Transparency Standards on Investment*</i>		
<i>Non-discrimination</i>		
<i>Expropriation and Compensation</i>		
<i>Protection from Strife and Similar Events</i>		
<i>Transfers of Capital Related to Investments</i>		
<i>Performance Requirements</i>		

* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Investment, which can be found in the Appendix attached at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.

Improvements in {Economy's} Approach to Investment Measures since 1996

Section	Position at Base Year (1996)	Cumulative Improvements Made to Date
<i>Entry and Stay of Personnel</i>		
<i>Settlement of Disputes</i>		
<i>Intellectual Property</i>		
<i>Avoidance of Double Taxation</i>		
<i>Competition Policy and Regulatory Reform</i>		
<i>Business Facilitating Measures to Improve the Domestic Business Environment</i>		

Appendix – APEC Leaders’ Transparency Standards on Investment

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed APEC sub-fora that have elaborated transparency provisions to review these regularly, and, where appropriate, improve, revise or expand them further. Economies were further instructed that such revised transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the following set of transparency standards on investment were developed for incorporation into the Leaders’ Statement. These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos and also build on the Options for Investment Liberalization and Business Facilitation to Strengthen the APEC Economies – For Voluntary Inclusion in Individual Action Plans. Economies agree to implement, in respect of investment, the General Principles contained in paragraphs 1 through 6 and paragraph 11 of the Leaders’ Statement.

These principles provide specific guidance for implementation within an investment context.

1. Each Economy will, in the manner provided for in paragraph 1 of the Leaders’ Statement, ensure that its investment laws, regulations, and progressively procedures and administrative rulings of general application (“investment measures”) are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.
2. In accordance with paragraph 2 of the Leaders’ Statement, each Economy will, to the extent possible, publish in advance any investment measures proposed for adoption and provide a reasonable opportunity for public comment.
3. In accordance with paragraph 3 of the Leaders’ Statement, upon request from an interested person or another Economy, each Economy will: (a) endeavor to promptly provide information and respond to questions pertaining to any actual or proposed investment measures referred to in paragraph 1 above; and (b) provide contact points for the office or official responsible for the subject matter of the questions and assist, as necessary, in facilitating communications with the requesting economy.
4. Where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding investment matters covered by these standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the investment matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions; (c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and (d) ensure subject to appeal or further review under domestic law, that such decisions will be implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.
5. If screening of investments is used based on guidelines for evaluating projects for approval and for scoring such projects if scoring is used, each Economy will promptly publish and/or make publicly available through other means those guidelines.
6. Each Economy will maintain clear procedures regarding application, registration, and government licensing of investments by: (a) publishing and/or making available clear and simple instructions, and an explanation of the process (the steps) involved in applying/government licensing/registering; and (b) publishing and/or making available definitions of criteria for assessment of investment proposals.
7. Where prior authorization requirement procedures exist, each Economy will conduct reviews at the appropriate time to ensure that such procedures are simple and transparent.
8. Each Economy will make available to investors all rules and other appropriate information relating to investment promotion programs.

9. When negotiating regional trade agreements and free trade agreements that contain provisions with an investor/state dispute settlement mechanism, each Economy should consider whether or not to include transparency provisions along the following lines: allowing public access to documents submitted to or issued by the investor/state arbitration tribunal; providing for open hearings before the investor/state arbitration tribunal; and authorizing investor/state arbitration tribunals to accept and consider submissions from other persons and entities who are not parties to the dispute. Consistent with paragraph 11 of the Leaders' Statement, appropriate exceptions for confidentiality should be made.

10. Each Economy will participate fully in APEC-wide efforts to update the APEC Investment Guidebook.

CHAPTER 5: STANDARDS⁴ AND CONFORMANCE

Objective

APEC economies will, in accordance with the Declaration on APEC Standards and Conformance Framework and with the Agreement on Technical Barriers to Trade (TBT Agreement) and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) attached to the WTO Agreement:

- a. align their domestic standards with international standards;*
- b. endeavour to actively participate in international standardisation activities;*
- c. promote good regulatory practice for the preparation, adoption and application of technical regulations in the APEC region;*
- d. achieve recognition of conformity assessment including mutual recognition arrangements in regulated and voluntary sectors;*
- e. promote cooperation for technical infrastructure development to facilitate broad participation in mutual recognition arrangements in both regulated and voluntary sectors; and*
- f. ensure the transparency of the standards and conformity assessment of APEC economies.*

Guidelines

Each APEC economy will:

- a. continue alignment of domestic standards with international standards in the priority areas which the SCSC will identify for alignment in the short to medium term in pursuing this goal;*
- b. participate actively in the international standardization activities of international standardizing bodies and encourage relevant bodies in their economy to participate in the international standardizing bodies accordance with the rules and procedures of these organisations;*
- c. consider to pursue trade facilitation in information and technology products;*
- d. participate⁵ in recognition arrangements⁶ of conformity assessment including mutual recognition arrangements in regulated sectors through: (i) the development of bilateral, multi-sectoral recognition arrangements, which might, at a later stage, provide the basis for plurilateral arrangements; and (ii) the development of plurilateral recognition arrangements in particular sectors;*

⁴ "Standards" include mandatory as well as voluntary standards. The term "standards" is used in this document to refer generally to matters covered in the TBT and SPS Agreements

⁵ It is recognised that not all member economies have the pre-requisite technical infrastructure to enable them to fully participate in mutual recognition arrangements. Cooperation among APEC economies to strengthen member economies' technical infrastructure is therefore necessary (see Guideline (e)).

CHAPTER 5: STANDARDS⁴ AND CONFORMANCE

- e. *encourage relevant bodies in their economy to participate in work programs of the five Specialist Regional Bodies⁷ and to participate in recognition arrangements³ of conformity assessment including mutual recognition arrangements in the voluntary sectors;*
- f. *improve and maintain the level of their technical infrastructure to facilitate broad participation in recognition arrangements in both the regulated and voluntary sectors, with the SCSC supporting the development of technical infrastructure through economic and technical cooperation, where needed, to improve calibration and testing facilities and the training of personnel, in pursuing this goal;*
- g. *continuously strive to increase transparency of their standards and conformance requirements by means of facilitating the dissemination of such information through publications and electronic homepage and publicizing the availability of these means;*
- h. *implement and maintain a standards consistent with the APEC Leaders' Transparency Standards; and*
- i. *consider participation in:*
 - (i) *the Treaty of the Metre (La Convention Du Metre); and*
 - (ii) *the Treaty of OIML (La Convention Instituant Une Organisation Internationale De Metrologie Legale)**in accordance with the rules and procedures of these treaties*

⁶ The term "mutual recognition arrangements" does not necessarily mean an instrument or instruments which creates or create legally-binding international obligations.

⁷ Asia Pacific Laboratory Accreditation Cooperation (APLAC)

Asia Pacific Legal Metrology Forum (APLMF)

Asia Pacific Metrology Program (APMP)

Pacific Accreditation Cooperation (PAC)

Pacific Area Standards Congress (PASC)

CHAPTER 5: STANDARDS⁴ AND CONFORMANCE

Collective Actions

APEC economies will take Collective Actions with regard to standards and conformance in the following four areas:

ALIGNMENT WITH INTERNATIONAL STANDARDS

APEC economies will:

- a. continue identifying additional priority areas for alignment with international standards;
- b. continue to report on the progress in their alignment plans every year;
- c. conduct a comprehensive review of their alignment work in 2005; and
- d. continue to promote active participation in international standardisation activities.

GOOD REGULATORY PRACTICE

APEC economies will:

Continue to update the consolidation of materials in the Good Regulatory Practice Database as well as to investigate means of enhancing regulatory practice in the APEC region through a program of case studies and seminars with a particular focus on performance-based regulations and sector-specific good practices.

RECOGNITION OF CONFORMITY ASSESSMENT

APEC economies will, in cooperation with relevant Specialist Regional Bodies, where appropriate:

- a. review the implementation and use of mutual recognition arrangements;
- b. continue to consider mechanisms to facilitate the recognition of conformity assessment results;
- c. review and improve the effectiveness of the APEC Mutual Recognition Arrangement on Conformity Assessment of Foods and Food Products, the Arrangement for the Exchange of Information on Toy Safety, the APEC Arrangement for the Exchange of Information on Food Recalls, and the APEC Mutual Recognition Arrangement on Conformity Assessment of Electrical and Electronic Equipment by among others, looking into the possibility to adopt an information technology management system;
- d. implement the work program on trade facilitation in information technology products, by 2005 in the case of industrialized economies and by 2008 in the case of developing economies; and
- e. encourage establishment of and participation in a network of mutual recognition arrangements in the voluntary sector by 2005.

COOPERATION ON TECHNICAL INFRASTRUCTURE DEVELOPMENT

APEC economies will:

- a. undertake projects for the implementation of the Mid-Term Technical Infrastructure Development Program; and
- b. conduct a comprehensive review on implementation of the above program after 2005;

TRANSPARENCY

APEC economies will:

- a. update the APEC Contact Points for Standards and Conformance Information, which have been uploaded to the APEC Homepage;
- b. develop and keep current the database on conformity assessment operators and their activities/service offered and establish an APEC Cooperation Center for Conformity Assessment;
- c. promote the transparency of regulatory systems and standards by maintaining appropriate and accessible information data basis, including Directory of Food Trade Contacts in

CHAPTER 5: STANDARDS⁴ AND CONFORMANCE

- the Directory of Food Trade Contacts; and*
- d. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

OTHER ACTIVITIES

APEC economies will:

- a. *pursue closer cooperation with the Specialist Regional Bodies in line with a Statement of Commitment to Mutually Agreed Objectives;*
- b. *monitor the developments within the WTO Committees on the Technical Barriers to Trade and Sanitary and Phyto-Sanitary Measures, as well as undertake projects for the implementation of the APEC Strategic Plan on WTO-Related Capacity Building;*
- c. *pursue better coordination with other APEC fora; and*
- d. *implement the reform of the SCSC through the rationalization of its agenda, priority setting exercise and better coordination with other groups.*

The current CAP relating to standards and conformance can be found in the [Standards and Conformance Collective Action Plan](#).

{Economy's} Approach to Standards and Conformance in {Year}

Chapter 5: {Economy's} Approach to Standards and Conformance in {Year}

Section	Improvements Implemented Since Last IAP	Current Approaches to Standards and Conformance	Further Improvements Planned
<i>Alignment of standards with international standards where appropriate</i>			
<i>Alignment of standards with international standards in priority areas agreed by the SCSC</i>			
<i>Active participation in the international standardisation activities of international standardizing bodies</i>			
<i>Participation in plurilateral recognition arrangements of conformity assessment in the regulated sector</i>			
<i>Participation in bilateral recognition arrangements of conformity assessment in the regulated sector</i>			

Chapter 5: {Economy's} Approach to Standards and Conformance in {Year}

Section	Improvements Implemented Since Last IAP	Current Approaches to Standards and Conformance	Further Improvements Planned
<i>Participation in recognition arrangement of conformity assessment in the voluntary sector</i>			
<i>Improve and maintain level of technical infrastructure</i>			
<i>Identification of specific requirements, assistance and/or activities for technical infrastructure development</i>			
<i>Provision of assistance for the improvement of other economies' technical infrastructure</i>			
<i>Participation in Specialist Regional Bodies⁸ activities</i>			

⁸ Asia Pacific Laboratory Accreditation Cooperation (APLAC), Asia Pacific Legal Metrology Forum (APLMF), Asia Pacific Metrology Program (APMP), Pacific Accreditation Cooperation (PAC), Pacific Area Standards Congress (PASC)

Chapter 5: {Economy's} Approach to Standards and Conformance in {Year}

Section	Improvements Implemented Since Last IAP	Current Approaches to Standards and Conformance	Further Improvements Planned
Continuously strive to increase transparency of their standards and conformance requirements, including implementation of APEC Leaders' Transparency Standards on Standards and Conformance*			
Participate in relevant international fora			
Other activities			

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Standards and Conformance, which can be found in the Appendix at the end of this document.**

Improvements in {Economy's} Approach to Standards and Conformance since 1996

Section	Position In Base Year (1996)	Cumulative Improvements Implemented to Date
<i>Alignment of standards with international standards where appropriate</i>		
<i>Active participation in the international standardisation activities of international standardizing bodies</i>		
<i>Participation in plurilateral recognition arrangements of conformity assessment in the regulated sector</i>		
<i>Participation in bilateral recognition arrangements of conformity assessment in the regulated sector</i>		
<i>Participation in recognition arrangement of conformity assessment in the voluntary sector</i>		
<i>Improve and maintain the level of their technical infrastructure Identification of specific requirements, assistance and/or activities for technical infrastructure development</i>		

Improvements in {Economy's} Approach to Standards and Conformance since 1996		
Section	Position In Base Year (1996)	Cumulative Improvements Implemented to Date
<i>Provision of assistance for the improvement of other economies' technical infrastructure</i>		
<i>Participation in Specialist Regional Bodies activities</i>		
<i>Continuously strive to increase transparency of their standards and conformance requirements, including implementation of APEC Leaders' Transparency Standards on Standards and Conformance*</i>		
<i>Participate in relevant international fora</i>		
<i>Other Activities</i>		

***Economies should report against the actual language in the APEC Leaders' Transparency Standards on Standards and Conformance, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

Appendix – APEC Leaders Transparency Standards on Standards and Conformance

Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the Subcommittee on Standards and Conformance (SCSC) developed the following set of transparency standards for incorporation into the Leaders’ Statement.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos and the obligations of the WTO Agreements on Technical Barriers to Trade and on the Application of Sanitary and Phytosanitary Measures.

Transparency Standards on Standards and Conformance:

1. In accordance with paragraph 1 of the Leaders’ Statement, and the WTO Agreements on Technical Barriers to Trade (TBT) and on the Application of Sanitary and Phytosanitary (SPS) Measures, each Economy will: (a) promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media, for example via the Internet, information on its laws, regulations, policies, administrative rulings, certification, qualification and registration requirements, technical regulations, standards, guidelines, procedures and practices relating to standards and conformance; and, (b) have or designate an official journal or journals and publish in them information on technical regulations, sanitary and phytosanitary measures and related conformity assessment procedures on a regular basis and make copies of them readily available to the public.
2. As far as practicable, each Economy will maintain one centrally located website for the information referred to above.
3. In accordance with paragraph 2 of the Leaders’ Statement and the WTO TBT and SPS Agreements, each Economy will publish in advance any standards or conformance requirement that it proposes to adopt and provide interested persons a reasonable opportunity to comment on such proposed measures and take those comments into account before a final measure is adopted. Each Economy that is a WTO member will notify proposals to the WTO as required by the TBT and SPS Agreements.
4. In accordance with paragraph 3 of the Leaders’ Statement, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed standards and conformance measure.
5. Recognizing that standards and conformance measures can have an adverse impact on trade and development, each Economy will ensure that such measures are developed and administered in a transparent manner, and in compliance with WTO TBT/SPS obligations, as well as the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical Regulations so as to prevent the creation of unnecessary or arbitrary barriers to trade.
6. Each Economy will promote awareness of and compliance with the transparency provisions of the WTO TBT and SPS Agreements.
7. Each Economy that is a WTO Member will cooperate in the Triennial Reviews of the TBT Agreement to promote awareness of and compliance with the transparency provisions of the TBT Agreement, the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical Regulations.

8. Each Economy will continue to provide updated information for the SCSC Contact List which is maintained on the APEC Secretariat's website and includes a range of contacts for each economy relevant to standards and conformance activities.

9. Each Economy will, as appropriate, promote the observance of these transparency standards by the regional and local governments, and non-governmental standardizing bodies within its territory.

CHAPTER 6: CUSTOMS PROCEDURES

Objective

APEC economies will facilitate trade in the Asia-Pacific region by:

- a. simplifying and harmonizing customs procedures;*
- b. encouraging the use of technologies and e-commerce as productivity tools in keeping with developments of the new economy; and*
- c. enhancing cross-border co-operation in the movement of goods and services to counter terrorism.*

Guidelines

Each APEC economy will take actions toward achieving the above objectives:

- a. along the lines of the Strategic Direction of the Action Program of the Sub-Committee on Customs Procedures by:
 - taking fully into consideration the Guiding Principles (FACTS: Facilitation, Accountability, Consistency, Transparency, Simplification) of the above Action Program;*
 - recognizing APEC Principles on Trade Facilitation;*
 - making use of information and communication technologies (ICT) as tools to improve productivity; and**
- b. along the lines of the Leader's Statement on Counter Terrorism; and*
- c. implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

CHAPTER 6: CUSTOMS PROCEDURES

Collective Actions

APEC economies will take Collective Actions with regard to customs procedures in the following areas:

HARMONISATION OF TARIFF NOMENCLATURE

APEC economies will harmonize tariff nomenclature by adopting or abiding by the principles of the International Convention on the Harmonized Commodity Description and Coding System (HS Convention) 2002 Version by 2002.

PUBLIC AVAILABILITY OF INFORMATION

APEC economies will continue making available to the public information on administrative guidelines, procedures and rulings in addition to customs laws and regulations by means of media, publication, website, etc.

SIMPLIFICATION AND HARMONIZATION ON THE BASIS OF THE REVISED KYOTO CONVENTION

APEC economies will simplify and harmonize customs procedures by adopting or abiding by the principles of the International Convention on the Simplification and Harmonization of Customs Procedures which was revised by World Customs Organization (WCO) in 1999 (Revised Kyoto Convention).

COMPUTERIZATION THROUGH UN/EDIFACT AND PAPERLESS TRADING

APEC economies will enhance computerization of customs procedures by adopting and supporting the UN/EDIFACT standard and endeavor to reduce or eliminate the requirement for paper documents needed for customs to realize paperless trading.

ALIGNMENT WITH WTO AGREEMENTS

APEC economies will:

- a. harmonize customs valuation systems by adopting or abiding by the principles of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (WTO Customs Valuation Agreement), while encouraging further acceleration, if possible, through technical assistance; and*
- b. protect intellectual property rights by adopting or abiding by the principles of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), with regard to border control while encouraging further acceleration, if possible, through technical assistance.*

APPEAL PROVISION

APEC economies will introduce and improve clear appeal provisions within each economy.

ADVANCE RULING SYSTEMS

APEC economies will introduce and improve advance tariff classification ruling systems.

TEMPORARY IMPORTATION

APEC economies will provide facilities for temporary importation, by taking such action as acceding, where appropriate, to the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (the A.T.A. Convention).

RISK MANAGEMENT APPROACH

CHAPTER 6: CUSTOMS PROCEDURES

APEC economies will introduce a risk management approach to allow customs administrations to facilitate legitimate trade and travel while maintaining high-level border control by 2002.

INFORMATION TECHNOLOGY

APEC economies will apply information technology including Internet for customs clearance, and where possible, provide one stop shop service for cargo clearance procedures.

COMMON DATA ELEMENTS

APEC economies will explore the feasibility of harmonizing among APEC economies common data elements based on international standards under the auspices of WCO for customs processing of cargo to facilitate international trade.

EXPRESS CONSIGNMENTS

APEC economies will implement principles contained in the WCO Immediate Release Guidelines, the international standard procedures for clearance of express goods, working in partnership with express industry associations.

INTEGRITY

APEC economies will implement programs to raise level of integrity of customs systems.

CUSTOMS-BUSINESS PARTNERSHIP

APEC economies will enable the cooperation and communication between Customs and the business sector through the establishment of permanent and regular liaison/consultation channels and the development of Customs-Business partnership by signing Memoranda of understanding or other instruments of cooperative arrangement with relevant players/parties in the business sector.

COMMON FIELD SURVEYS

APEC economies will work towards conducting common field surveys on the time required for cargo clearance, recognizing the necessity of a common yardstick.

IMPLEMENTATION, TECHNICAL COOPERATION AND HUMAN RESOURCES DEVELOPMENT

APEC economies will develop implementation plans and a framework for coordinated technical assistance and human resources development in support of the above Collective Actions, with particular emphasis placed on implementation of customs procedure-related agreements such as the WTO Customs Valuation Agreement, the TRIPS Agreement and the Rules of Origin Agreement (ROO).

PROMOTION OF DIALOGUE WITH THE BUSINESS/PRIVATE SECTOR

APEC economies will promote dialogue with the business/private sector (importers, exporters, customs brokers, forwarders, etc.) within each economy to assist in improving customs-related trade practices.

The current CAP relating to customs procedures can be found in the Customs Procedures Collective Action Plan.

{Economy's} Approach to Customs Procedures in {Year}

{Economy's} Approach to Customs Procedures in {Year}

<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Activities/Measures</i>	<i>Further Improvements Planned</i>
<i>Greater Public Availability of Information, including Implementation of APEC Leaders' Transparency Standards on Customs Procedures*</i>			
<i>Paperless trading</i>			
<i>Provision of Temporary Importation Facilities</i>			
<i>Implementation of Clear Appeals Provisions</i>			
<i>Alignment With WTO Valuation Agreement</i>			
<i>Adoption of Kyoto Convention</i>			
<i>Implementation of Harmonised System Convention</i>			

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Customs Procedures, which can be found in the Appendix at the end of this document.**

{Economy's} Approach to Customs Procedures in {Year}

<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Activities/Measures</i>	<i>Further Improvements Planned</i>
<i>Implementation of an Advance Classification Ruling System</i>			
<i>Implementation of the TRIPs Agreement</i>			
<i>Development of a Compendium of Harmonised Trade Data Elements</i>			
<i>Adoption of Systematic Risk Management Techniques</i>			
<i>Implementation of WCO Guidelines on Express Consignment Clearance</i>			
<i>Integrity</i>			
<i>Other Issues (this includes other Customs activities which facilitate trade which are not part of the SCCP CAP)</i>			

Improvements in {Economy's} Approach to Customs Procedures since 1996

Section	Position at Base Year (1996)	Cumulative Improvements Implemented to Date
Greater Public Availability of Information, including Implementation of APEC Leaders' Transparency Standards on Customs Procedures*		
Alignment With UN/EDIFACT International Standards for Electronic Commerce/Paperless Trading		
Provision of Temporary Importation Facilities		
Provision of Temporary Importation Facilitation		
Alignment With WTO Valuation Agreement		
Adoption of Kyoto Convention		

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Customs Procedures, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

Improvements in {Economy's} Approach to Customs Procedures since 1996

Section	Position at Base Year (1996)	Cumulative Improvements Implemented to Date
Implementation of Harmonised System Convention		
Implementation of an Advance Classification Ruling System		
Implementation of the TRIPs Agreement		
Development of a Compendium of Harmonised Trade Data Elements		
Adoption of Systematic Risk Management Techniques		
Implementation of WCO Guidelines on Express Consignment Clearance		
Integrity		
Other Improvements in Customs Procedures		

Appendix – APEC Leaders’ Transparency Standards on Customs Procedures

Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the United States proposes that the Sub-Committee on Customs Procedures develop the following set of transparency standards on customs for incorporation into the Leaders’ Statement.

The following customs transparency standards flow from, and are to be read consistently with, the General Principles on Transparency agreed to by APEC Leaders in Los Cabos, and provide specific guidance for implementation within the customs context.

Transparency Standards on Customs Procedures:

1. In furtherance of paragraph 1 of the Leaders’ Statement, each Economy, will promptly publish and make available on the Internet, information on its customs laws, regulations, procedures and administrative rulings of general application in such a manner as to enable interested persons to become acquainted with them.
2. In furtherance of paragraph 2 of the Leaders’ Statement, each Economy will, to the extent possible, publish in advance any regulations of general application governing customs procedures proposed for adoption, and provide a reasonable opportunity for comments from interested parties.
3. In furtherance of paragraph 4 of the Leaders’ Statement, and taking into account Economies’ individual circumstances, upon request from an interested person in its territory, each Economy will provide for the issuance, of advance rulings based on specific facts and circumstances provided by such requester prior to the importation of a good into its territory, for areas such as: (a) tariff classification; (b) the application of the provisions set forth in the WTO Agreement on Customs Valuation; (c) the application of duty drawback; (d) country of origin marking requirements; (e) the application of rules of origin under free trade agreements and other preferential tariff regimes; and (f) admissibility requirements.
4. Subject to domestic confidentiality requirements, each Economy, will make such advance rulings publicly available for purposes of ensuring application of the rulings to other goods where the facts and circumstances are the same as those under which the rulings are issued.
5. In furtherance of paragraph 5 of the Leaders’ Statement each Economy will maintain procedural transparency and fairness in customs procedures by: (a) providing for the prompt review and, where warranted, correction of customs administrative actions; (b) ensuring that importers are provided with the right to a level of administrative review independent of the employee or office issuing the determination subject to review; and (c) maintaining the availability of judicial review of customs administrative determinations.
6. Each Economy will, maintain one or several contact points to which interested parties can address questions concerning customs matters, and shall make available on the Internet information concerning the procedures for making such inquiries.

CHAPTER 7: INTELLECTUAL PROPERTY RIGHTS

Objective

APEC economies will:

a. *in conformance with the principles of the TRIPS Agreement:*

- *ensure adequate and effective protection, including legislation, administration and enforcement of intellectual property rights,*
- *foster harmonization of intellectual property rights systems in the APEC region, promote transparency strengthen public awareness activities,*
- *strengthen public awareness activities, and*
- *promote dialogue on emerging intellectual property policy issues, with a view to further improve intellectual property rights protection and use of the intellectual property rights systems for the social and economic benefit of members.*

b. *address the challenges for intellectual property rights arising from the rapid growth and developments of the New Economy by:*

- *establishing legal frameworks to promote creative endeavor and encourage on-line activity;*
- *ensuring a balance between the different rights and interests of copyright owners, users and distributors;*
- *establishing an appropriate balance among all stakeholders, including content providers and ISPs in terms of the liabilities for infringing intellectual property on-line; and*
- *providing incentives for innovation without sacrificing the community's interest in reasonable access to information.*

Guidelines

Each APEC economy will:

- a. *ensure that intellectual property rights are granted through expeditious, simple, and cost-effective procedures;*
- b. *ensure that adequate and effective civil and administrative procedures and remedies are available against infringement of intellectual property rights;*
- c. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards; and*
- d. *provide and expand bilateral technical cooperation in relation to areas such as patent search and examination, computerization and human resources development in order to ensure adequate intellectual property right protection in compliance with the TRIPS Agreement.*

CHAPTER 7: INTELLECTUAL PROPERTY RIGHTS

Collective Actions

APEC economies will take the following collective actions:

- a. *Deepening the Dialogue on Intellectual Property Policy;*
- b. *Support for Easy and Prompt Acquisition of Rights:*
 - (i) *Participation in International IP-related Systems*
 - (ii) *Establishing Internationally Harmonized IPR Systems*
 - (iii) *Cooperation on Searches and Examinations;*
- c. *Electronic Processing of IPR-related Procedures:*
 - (i) *Electronic Filing Systems*
 - (ii) *Dissemination of Information by Electronic Means;*
- d. *Appropriate Protection of IPR in New Fields:*
 - (i) *Protection for Biotechnology and Computer-related Inventions*
 - (ii) *Protection for Geographical Indications*
 - (iii) *Electronic commerce;*
- e. *Cooperation for Improvements to the Operation of IP System;*
- f. *Establishing Effective Systems for IPR Enforcement:*
 - (i) *Establishment of Enforcement Guidelines*
 - (ii) *Exchange of Information Concerning IPR Infringement*
 - (iii) *Cooperation with other fora/authorities*
- g. *Promoting IP Asset Management in APEC Economies;*
- h. *Raising Public Awareness;*
- i. *Facilitation of Technology Transfer through Ensuring IP Protection.*

The current CAP relating to intellectual property rights can be found in the [Intellectual Property Rights Collective Action Plan](#).

CHAPTER 7: INTELLECTUAL PROPERTY RIGHTS

{Economy's} Approach to Intellectual Property Rights in {Year}

Chapter 7: {Economy's} General Approach to Intellectual Property Rights in {Year}			
Section	Improvements Implemented Since Last IAP	Current Situation Regarding Laws and Administrative Procedures	Further Action Planned
TRIPS implementation			
Ensuring the Expeditious Granting of IP Rights			
Effective Enforcement of IP Rights			
Public Education and Awareness of IP, enhanced IP user skills			
APEC Cooperation on IP Issues			

Chapter 7: {Economy's} General Approach to Intellectual Property Rights in {Year}

Section	Improvements Implemented Since Last IAP	Current Situation Regarding Laws and Administrative Procedures	Further Action Planned
Promote transparency of IPR requirements, including by implementing the APEC Leaders' Transparency Standards on Intellectual Property Rights*			

***Economies should report against the actual language in the APEC Leaders' Transparency Standards on Intellectual Property Rights, which can be found in the Appendix at the end of this document.**

<i>Improvements in {Economy's} Approach to Intellectual Property Rights since 1996</i>		
<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cumulative Improvements Implemented to Date</i>
<i>General Policy Position</i>		
<i>Ensuring the Expedient Granting of IP Rights</i>		
<i>Effective Enforcement of IP Rights</i>		
<i>Public Education and Awareness</i>		
<i>APEC Cooperation on IP Issues</i>		
<i>Continuously strive to increase transparency of IPR requirements, including implementation of APEC Leaders' Transparency Standards on Intellectual Property Rights*</i>		

* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Intellectual Property Rights, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.

Appendix – APEC Leaders Transparency Standards on Intellectual Property

Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005. In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the Intellectual Property Experts Group (IPEG) developed the following set of transparency standards on intellectual property for incorporation into the Leaders’ Statement. These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos, and provide specific guidance for implementation within an intellectual property context.

Transparency Standards on Intellectual Property:

1. In accordance with paragraph 1 of the Leaders’ Statement, each Economy will promptly publish in its national language or otherwise make available its laws, regulations, and progressively, all procedures concerning the protection, including enforcement, of intellectual property rights in such a manner as to enable interested parties to become acquainted with them and so that the system for protecting and enforcing intellectual property rights shall be transparent.
2. Furthermore, each Economy will clarify procedures and practices regarding application, issuance, and registration of intellectual property rights by providing the following information: (a) Clear and simple instructions, and an explanation of the steps involved regarding the application and registration process, (b) Examination guidelines and assessment criteria used to review an application for approval, if applicable, (c) Contact points for inquiries on standards, technical regulations, and other requirements, (d) Provisions that are directed to SMEs.
3. Each Economy will also provide a system for the registration of industrial property, which shall include: (a) Providing to the applicant a communication in writing, which may be electronic, of the reasons for any refusal to register a trademark or grant a patent; (b) Providing to the applicant an opportunity to respond to communications from the relevant government authorities, to contest an initial refusal, and to have a higher authority review any refusal to register a trademark or grant a patent; (c) An opportunity for interested parties to petition to oppose or to challenge a trademark or patent application or to seek cancellation after a trademark has been registered or a patent has been granted; and (d) A requirement that decisions in opposition or cancellation proceedings be reasoned and in writing.
4. Each Economy will provide that final judicial decisions or administrative rulings, those where appeals are no longer possible, of general applicability pertaining to the protection, including enforcement, of intellectual property rights shall be communicated to the parties to the proceedings. Each Economy will also provide for prompt publication of such decisions or rulings, or where such publication is not practicable, made publicly available, in a national language in such a manner as to enable governments and rights holders to become acquainted with them.
5. In accordance with paragraph 2 of the Leaders’ Statement, each Economy will, when possible, publish in advance any proposed changes to laws, regulations, and progressively, all procedures concerning the protection, including enforcement, of intellectual property rights, and provide interested persons a reasonable opportunity for public comment. Each Economy will also make available to all interested parties timely updates of changes to intellectual property law statutory regimes, including via the APEC Secretariat.
6. In addition to paragraphs 3, 4, and 5 of the Leaders’ Statement, each Economy will conduct periodic reviews of administrative regulations, rules, and procedures to ensure they are simplified, consistent, and transparent. Outstanding issues raised by the reviews will be resolved in a timely manner.

7. Each Economy will publish information on its efforts to provide effective enforcement of intellectual property rights in its civil, administrative and criminal system, including any statistical information that the Economy may collect for such purposes.

8. Each Economy will conduct regular briefings in appropriate fora to provide updates on the status of intellectual property protection and enforcement as well as future policy direction, if appropriate

Confidential information - Nothing in the provisions of this statement shall require an Economy to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

CHAPTER 8: COMPETITION POLICY

Objective

APEC economies will enhance the competitive environment to increase consumer welfare in the Asia-Pacific region, taking into account the benefits and challenges of globalization, developments in the New Economy and the need to bridge the digital divide through better access by ICT, by:

- a. introducing or maintaining effective and adequate competition policy and/or laws and associated enforcement policies;*
- b. promoting cooperation among APEC economies, thereby maximizing, inter-alia, the efficient operation of markets, competition among producers and traders, and consumer benefits; and*
- c. improving the ability of competition authorities, through enhanced capacity building and technical assistance, to better understand the impact of globalization and the New Economy.*

Guidelines

Each APEC economy will:

- a. review its respective competition policy and/or laws and the enforcement thereof taking into account the “APEC Principles to Enhance Competition and Regulatory Reform”;*
- b. enforce competition policies and/or laws (including those prohibiting anticompetitive practices that prevent access to ICT and other new technologies) to ensure protection of the competitive process and promotion of consumer welfare, innovation, economic efficiency and open markets;*
- c. implement and maintain standards consistent with the APEC Transparency Standards;*
- d. disclose any pro-competitive efforts undertaken (e.g. enactment of competition laws, whether comprehensive or sectoral);*
- e. implement as appropriate technical assistance in regard to policy development, legislative drafting, and the constitution, powers and functions of appropriate enforcement agencies;*
- f. establish appropriate cooperation arrangements with other APEC economies, including those intended to address the digital divide; and*
- g. undertake additional step as appropriate to support the development of the New Economy and to ensure the efficient functioning of markets.*

Collective Actions

APEC economies will:

- a. gather information and promote dialogue on and study;*

CHAPTER 8: COMPETITION POLICY

- (i) *the objectives, necessity, role and operation of each APEC economy's competition policy and/or laws and administrative procedures, thereby establishing a database on competition policy;*
- (ii) *competition policy issues that impact on trade and investment flows in the Asia-Pacific region;*
- (iii) *exemptions and exceptions from the coverage of each APEC economy's competition policy and/or laws in an effort to ensure that each is no broader than necessary to achieve a legitimate and explicitly identified objective;*
- (iv) *areas for technical assistance and the modalities thereof, including exchange and training programs for officials in charge of competition policy, taking into account the availability of resources; and*
- (v) *the inter-relationship between competition policy and/or laws and other policies related to trade and investment;*

b. *deepen competition policy dialogue between APEC economies and relevant international organizations;*

c. *continue to develop understanding in the APEC business community of competition policy and/or laws and administrative procedures;*

d. *continue to develop an understanding of competition policies and/or laws within their respective governments and within relevant domestic constituencies, thereby fostering a culture of competition;*

e. *encourage cooperation among the competition authorities of APEC economies with regard to information exchange, notification and consultation;*

f. *contribute to the use of trade and competition laws, policies and measures that promote free and open trade, investment and competition;*

g. *encourage all APEC economies to implement the "APEC Principles to Enhance Competition and Regulatory Reform and the APEC Transparency Standards on Competition Law and Policy; and*

h. *undertake capacity building programs to assist economies in implementing the "APEC Principles to Enhance Competition and Regulatory Reform".*

The current CAP relating to competition policy can be found in the Competition Policy Collective Action Plan

{Economy's} Approach to Competition Policy in {Year}

{Economy's} Approach to Competition Policy in {Year}

Section	Improvements Implemented Since Last IAP	Current Competition Policies / Arrangements	Further Improvements Planned
General Policy Framework, including Implementation of APEC Leaders' Transparency Standards on Competition Law and Policy*			
Reviews of Competition Policies and/or Laws			
Competition Institutions (Including Enforcement Agencies)			
Measures to Deal with Horizontal Restraints			
Measures to Deal with Vertical Restraints			
Measures to Deal with Abuse of Dominant Position			

* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Competition Law and Policy, which can be found in the Appendix at the end of this document.

{Economy's} Approach to Competition Policy in {Year}

Section	Improvements Implemented Since Last IAP	Current Competition Policies / Arrangements	Further Improvements Planned
Measures to Deal with Mergers and Acquisitions			
Other Issues Addressed by Competition Policy			
Co-operation Arrangements with other Member Economies			
Activities with other APEC Economies and in other International Fora			
Collective Actions			

Improvements in {Economy's} Approach to Competition Policy since 1996

Section	Position at Base Year (1996)	Cumulative Improvements Implemented to Date
General Policy Position, including Implementation of APEC Leaders' Transparency Standards on Competition Law and Policy*		
Reviews of Competition Policies and/or Laws		
Competition Institutions (Including Enforcement Agencies)		
Measures to Deal with Horizontal Restraints		
Measures to Deal with Vertical Restraints		
Measures to Deal with Abuse of Dominant Position		

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Competition Law and Policy, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

Improvements in {Economy's} Approach to Competition Policy since 1996

Section	Position at Base Year (1996)	Cumulative Improvements Implemented to Date
Measures to Deal with Mergers and Acquisitions		
Other Issues Addressed by Competition Policy		
Co-operation Arrangements with other Member Economies		
Activities with other APEC Economies and in other International Fora		

Appendix – APEC Leaders’ Transparency Standards on Competition Law and Policy and Regulatory Reform

Introduction

In October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that APEC sub-fora that have not developed specific transparency provisions should do so, and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the following set of transparency standards on competition and deregulation for incorporation into the Leaders’ Statement were developed.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos, and provide specific guidance for implementation within the context of competition law and policy and regulatory reform.

Transparency Standards on Competition Law and Policy:

1. In furtherance of paragraph 1 of the General Principles of the Leaders’ Statement, each Economy will ensure that its competition laws, regulations, and progressively, procedures, administrative rulings of general application and judicial decisions of general application are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them.
2. In furtherance of paragraphs 4 and 5 of the General Principles of the Leaders’ Statement, each Economy will ensure that before it imposes a sanction or remedy against any person for violating its national competition law, it affords the person the right to be heard and to present evidence, except that it may provide for the person to be heard and present evidence within a reasonable time after it imposes an interim sanction or remedy; and that an independent court or tribunal imposes or, at the persons request, reviews any such sanction or remedy. Proceedings subject to this paragraph are to be in accordance with domestic law.

Transparency Standards on Regulatory Reform:

1. In furtherance of paragraph 1 of the General Principles of the Leaders’ Statement, each Economy will ensure that its laws, regulations, procedural rules and administrative rulings of general application relating to regulatory reform are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.
2. In furtherance of paragraphs 2 and 3 of the Leaders’ Statement, Economies recognize the importance of ensuring transparency in the regulatory reform process and of soliciting and responding to inquiries from interested persons and other Economies. Accordingly, each Economy will, where possible (a) publish in advance regulatory reform measures that it proposes to adopt, and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures. In addition, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed regulatory reform measure.

Confidential Information

Economies agree that nothing in these standards requires any Economy to disclose confidential information. (Note: The Leaders’ Statement includes a provision for the protection of confidential information. This statement is included here to emphasize the importance of the protection of confidential information in the contexts of both competition law and policy and regulatory reform.)

CHAPTER 9: GOVERNMENT PROCUREMENT

Objective

APEC economies will

- a. *develop a common understanding on government procurement policies and systems, as well as on each APEC economy's government procurement practices;*
- b. *achieve liberalization of government procurement markets throughout the Asia-Pacific region in accordance with the principles and objectives of the Bogor Declaration, contributing in the process to the evolution of work on government procurement in other multilateral fora;*
- c. *increase the use of electronic means to conduct government procurement and in so doing seek to promote the uptake of e-commerce more broadly; and*
- d. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

Guidelines

Each APEC economy will:

- a. *enhance the transparency of its government procurement regimes and its government procurement information, consistent with the APEC Leaders' Transparency Standards;*
- b. *establish, where possible, a government procurement information database and provide the information through a common entry point;*
- c. *review on a voluntary basis and take appropriate steps to improve the consistency of its government procurement regime with the APEC Non-binding Principles on Government Procurement (transparency, value for money, open and effective competition, fair dealing, accountability and due process, and non-discrimination); and*
- d. *provide for and promote government procurement through electronic means wherever possible.*

Collective Actions

APEC economies will:

- a. *utilize questionnaire surveys to exchange information on existing government procurement regimes and on publication of government procurement information in APEC economies;*
- b. *maintain contact points to facilitate on-going exchange of the above information;*

CHAPTER 9: GOVERNMENT PROCUREMENT

- c. *hold workshops, seminars and training courses on government procurement procedures, laws, regulations, regional and plurilateral agreements, and the impact of technological development on government procurement;*
- d. *encourage establishment of an APEC government procurement information database, including information on procurement opportunities and the provision of a common entry point (such as World Wide Web (WWW) Home Page on the Internet) for participation by members on a voluntary basis; and*
- e. *continue to report voluntarily on the consistency of their procurement regimes with the APEC Non-binding Principles on Government Procurement and on the improvements to their regimes.*

The current CAP relating to government procurement can be found in the Government Procurement Collective Action Plan.

{Economy's} Approach to Government Procurement in {Year}

{Economy's} Approach to Government Procurement in {Year}

<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Measures Applied</i>	<i>Further Improvements Planned</i>
<i>Transparency</i> <i>Implement APEC Leaders' Transparency Standards on Government Procurement*</i>			
<i>Value for Money</i>			
<i>Open and Effective Competition</i>			
<i>Fair Dealing</i>			
<i>Accountability and Due Process</i>			
<i>Non-discrimination</i>			

* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Government Procurement, which can be found in the Appendix at the end of this document.

<i>Improvements in {Economy's} Approach to Government Procurement since 1996</i>		
<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cumulative Improvements Implemented to Date</i>
<i>General Policy Position</i>		
<i>Transparency Implement APEC Leaders' Transparency Standards on Government Procurement*</i>		
<i>Value for money</i>		
<i>Open and Effective Competition</i>		
<i>Fair Dealing</i>		
<i>Accountability and Due Process</i>		
<i>Non-discrimination</i>		

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Government Procurement, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

Appendix – APEC Leaders’ Transparency Standards on Government Procurement

Introduction

The Government Procurement Experts Group (GPEG) was established in 1995 to consider ways to increase transparency of, and liberalise, government procurement markets in accordance with the goals of the Bogor Declaration. APEC identified and agreed a collective action plan for government procurement. A key component of the plan was to develop a set of non-binding principles on government procurement. This was in line with the APEC General Principle of flexibility, enunciated in the Osaka Action Agenda: “Considering the different levels of economic development among the APEC economies and the diverse circumstances in each economy, flexibility will be available in dealing with issues arising from such circumstances in the liberalisation and facilitation process”.

In 1999 GPEG completed the Non-Binding Principles on Government Procurement (NBPs) that identify elements and illustrative practices on the principles of transparency, value for money, open and effective competition, fair dealing, accountability and due process, and non-discrimination. The NBPs have the support and commitment of all Economies and have been adopted as the basis of the Government Procurement section of APEC economies’ annually revised Individual Action Plans recording progress towards the Bogor goals of free and open trade and investment.

The NBPs have been a major contributor to the success of Economies and GPEG in promoting transparency in government procurement. The majority of GPEG members have completed their voluntary reviews and reports of their government procurement systems against the non-binding principle of Transparency. Through this process, Economies are exploring how best to implement the principles and to voluntarily bring their systems into conformity with them. This general transparency principle applies to all aspects of government procurement, including the elements of the general operational environment, procurement opportunities, purchase requirements, bid evaluation criteria and award of contracts. Establishing and maintaining transparent procurement markets not only assists Economies to learn from each other but also enables industry to obtain a clear understanding of the procurement markets operating within member economies.

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the “Statement to Implement APEC Transparency Standards” (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

Paragraph 7 of the Leaders’ Statement states that, consistent with the transparency standards in paragraphs 1-6 of the Leaders’ Statement, Economies will follow the transparency provisions contained in the APEC Government Procurement Experts Group (GPEG) NBPs. In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have elaborated transparency provisions should review these regularly and, where appropriate, improve, revise or expand them further,” and also instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Ministers Responsible for Trade meeting in Khon Kaen on June 2-3 “instructed officials to complete work underway to develop area-specific Transparency Standards.”

The Transparency Standards on Government Procurement, as set out below, are consistent with and fully reflect the General Principles in the Leaders’ Statement and the transparency-related provisions of the NBPs. Implementation of both the Transparency Standards on Government Procurement and the NBPs will promote transparency in government procurement in the Asia-Pacific region.

Transparency Standards on Government Procurement:

Transparency in the government procurement context means that sufficient and relevant information should be made available to all interested parties consistently and in a timely manner through a readily accessible, widely available medium. This applies to all aspects of government procurement, including the general operational environment, procurement opportunities, purchase requirements, bid evaluation criteria and award of contracts.

1. Consistent with paragraph 1 of the Leaders’ Statement, each Economy will: (a) ensure that its laws, regulations, and progressively judicial decisions,

- administrative rulings, policies (including any discriminatory or preferential treatment such as prohibitions against or set asides for certain categories of suppliers), procedures and practices (including procurement methods) related to government procurement (collectively referred to as "procurement rules") are promptly published or otherwise made available, for example, via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them; (b) designate an official journal or journals and publish the procurement rules in such journals on a regular basis and make copies of the journals readily available to the public (e.g., via the Internet); and (c) promote observance of the provisions of this paragraph by the regional and local governments and authorities within its customs territory.
2. Each economy will disseminate information on its procurement rules, for example, by: (a) publishing either a positive or negative list of the procuring entities subject to its rules; and (b) providing a description of its procurement rules on the APEC Government Procurement Experts Group Home Page and linking its government procurement Home Page, where available, with the APEC Government Procurement Experts Group Home Page.
 3. Consistent with paragraph 2 of the Leaders' Statement, when possible each Economy will publish in advance any procurement rules that it proposes to adopt; and provide, where applicable, interested persons a reasonable opportunity to comment on such proposed procurement rules.
 4. Consistent with paragraph 3 of the Leaders' Statement, each Economy will endeavor upon request from an interested person or another Economy to promptly provide information and respond to questions pertaining to any actual or proposed rules. Each Economy will also establish contact points for such inquiries.
 5. Consistent with paragraph 4 of the Leaders' Statement, in administrative proceedings applying to any procurement rule, each Economy will ensure that: (a) wherever possible, persons of another Economy that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy; (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the public interest permit; and (c) its procedures are in accordance with domestic law.
 6. Consistent with paragraph 5 of the Leaders' Statement, where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding matters covered by these Standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions; (c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and (d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.
 7. Each Economy will endeavour to maximize transparency in access to procurement opportunities. This should be accomplished where possible by: (a) where open tendering is adopted, publishing procurement opportunities in a medium readily accessible to suppliers (e.g., on the Internet); (b) making the same information on procurement opportunities available in a timely manner to all potential suppliers; (c) publishing contact details of purchasers, and their product/ service purchase interests, for suppliers wishing to register their interest in being notified of bidding opportunities that may not be publicly advertised; (d) making available early advice of complex high-value procurement needs through staged procedures such as public requests for information, requests for proposals and invitations for pre-qualification, and allowing adequate time for interested suppliers to prepare and submit a response; (e) making publicly available requirements and procedures for pre-qualification of suppliers; and (f) any time limits established for various stages of the procurement process.
 8. Each Economy will make available for suppliers all the information required to prepare a responsive offer. This should include where possible: (a) providing in procurement notices the following information: the nature of the product or service to be procured; specifications; quantity, where known; time frame for delivery; closing times and dates; where to obtain tender documentation, where to submit bids, and contact details from which further information can be obtained; (b) providing any changes to participating suppliers; and (c) providing tender documentation and other information to suppliers promptly on request.

9. Each Economy will maintain transparent criteria for evaluating bids and evaluate bids and award contracts strictly according to these criteria. This should be done where possible by: (a) specifying in procurement notices or tender documentation all evaluation criteria, including any preferential arrangements; and (b) maintaining, for a predetermined period proper records of decisions sufficient to justify decisions taken in the procurement process.

10. Each Economy will award contracts in a transparent manner. This should be accomplished where possible by: (a) publishing the outcome of the tender including the name of the successful supplier and the value of the bid; and (b) as a minimum promptly notifying unsuccessful suppliers of the outcome of their bids and where and when contract award information is published, and debriefing unsuccessful suppliers on request.

11. Consistent with paragraph 11 of the Leaders' Statement, an Economy does not need to disclose confidential information where such disclosure would impede law enforcement, the enactment of laws, or that would be contrary to the public or national interest, or compromise security of the economy concerned or that would prejudice the legitimate commercial interests of particular persons or enterprises. Each economy will keep commercially sensitive information secure and prevent its use for personal gain by procurement officials or to prejudice fair, open and effective competition.

CHAPTER 10: DEREGULATION/ REGULATORY REVIEW

Objective

APEC economies will facilitate free and open trade and investment in the Asia-Pacific Region by, inter alia:

- a. enhancing the transparency of regulatory regimes (including through the use of new technologies);*
- b. eliminating domestic regulations that may distort or restrict trade, investment or competition and are not necessary to achieve a legitimate objective; and*
- c. speeding up reforms which encourage efficient and well functioning product, labour and capital markets and supportive of institutional framework.*

Guidelines

Each APEC economy will:

- a. explore economy wide processes for the transparent and accountable identification and review of domestic regulations that may distort or restrict trade, investment or competition;*
- b. implement and maintain standards consistent with the APEC Leaders' Transparency Standards;*
- c. consider the adoption of regulatory reform to reduce those distortions and their resulting costs, whilst maintaining the achievement of legitimate objectives; and*
- d. promote the consideration of competition policy in regulatory reform.*

Collective Actions

APEC economies, taking into account work done in other areas of APEC activity will:

- a. publish annual reports detailing actions taken by APEC economies to deregulate their domestic regulatory regimes; and*
- b. develop further actions taking into account the above reports, including:*
 - i. policy dialogue on APEC economies' experiences in regard to best practices in deregulation, including the use of individual case studies to assist in the design and implementation of deregulatory measures, and consideration of further options for a work program which may include:*
 - identification of common priority areas and sectors for deregulation;*
 - provision of technical assistance in designing and implementing deregulation measures;*
 - dialogue on implementation of APEC Leaders' Transparency Standards on Regulatory Reform;*

CHAPTER 10: DEREGULATION/ REGULATORY REVIEW

- examination of the possibility of establishing APEC guidelines on domestic deregulation; and
- ii. regular dialogue with the business community, including a possible symposium.

The current CAP relating to deregulation/regulatory review can be found in the Deregulation Collective Action Plan.

{Economy's} Approach to Deregulation/Regulatory Review in {Year}

{Economy's} Approach to Deregulation/Regulatory Review in {Year}

Section	Improvements Implemented Since Last IAP	Current Regulatory Review Policies / Arrangements	Further Improvements Planned
General Policy Position, including Implementation of APEC Leaders' Transparency Standards on Regulatory Reform*			
Identification and Review of Proposed Regulations			
Identification and Review of Existing Regulations			
Reform of Industry/Sector Specific Regulation			

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Regulatory Reform, which can be found in the Appendix at the end of this document.**

<i>Improvements in {Economy's} Approach to Deregulation/Regulatory Review since 1996</i>		
<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cumulative Improvements Implemented to Date</i>
<i>General Policy Position, including Implementation of APEC Leaders' Transparency Standards on Regulatory Reform*</i>		
<i>Identification and Review of Proposed Regulations</i>		
<i>Identification and Review of Existing Regulations</i>		
<i>Reform of Industry/Sector Specific Regulation</i>		

*Economies should report against the actual language in the APEC Leaders' Transparency Standards on Regulatory Reform, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.

Appendix – APEC Leaders’ Transparency Standards on Competition Law and Policy and Regulatory Reform

Introduction

In October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that APEC sub-fora that have not developed specific transparency provisions should do so, and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the following set of transparency standards on competition and deregulation for incorporation into the Leaders’ Statement were developed.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos, and provide specific guidance for implementation within the context of competition law and policy and regulatory reform.

Transparency Standards on Competition Law and Policy:

1. In furtherance of paragraph 1 of the General Principles of the Leaders’ Statement, each Economy will ensure that its competition laws, regulations, and progressively, procedures, administrative rulings of general application and judicial decisions of general application are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them.
2. In furtherance of paragraphs 4 and 5 of the General Principles of the Leaders’ Statement, each Economy will ensure that before it imposes a sanction or remedy against any person for violating its national competition law, it affords the person the right to be heard and to present evidence, except that it may provide for the person to be heard and present evidence within a reasonable time after it imposes an interim sanction or remedy; and that an independent court or tribunal imposes or, at the persons request, reviews any such sanction or remedy. Proceedings subject to this paragraph are to be in accordance with domestic law.

Transparency Standards on Regulatory Reform:

1. In furtherance of paragraph 1 of the General Principles of the Leaders’ Statement, each Economy will ensure that its laws, regulations, procedural rules and administrative rulings of general application relating to regulatory reform are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.
2. In furtherance of paragraphs 2 and 3 of the Leaders’ Statement, Economies recognize the importance of ensuring transparency in the regulatory reform process and of soliciting and responding to inquiries from interested persons and other Economies. Accordingly, each Economy will, where possible (a) publish in advance regulatory reform measures that it proposes to adopt, and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures. In addition, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed regulatory reform measure.

Confidential Information

Economies agree that nothing in these standards requires any Economy to disclose confidential information. (Note: The Leaders’ Statement includes a provision for the protection of confidential information. This statement is included here to emphasize the importance of the protection of confidential information in the contexts of both competition law and policy and regulatory reform.)

CHAPTER 13: MOBILITY OF BUSINESS PEOPLE

Objective

APEC Economies will:

- a. *enhance the mobility of business people who are engaged in the conduct of trade and investment activities in the Asia-Pacific region; and*
- b. *enhance the use of information and communication technology (ICT) to facilitate the movement of people across borders, taking into account the Leader's Statement on Counter Terrorism.*

Guidelines

Each APEC economy work toward achieving the above objectives:

- a. *abiding by directions and statements from APEC Leaders and Ministers;*
- b. *recognising APEC Principles on Trade Facilitation;*
- c. *implementing and maintaining standards consistent with the APEC Leaders' Transparency Standards; and*
- d. *consistent with the Informal Experts Group on Business Mobility's (IEGBM) capacity building standards and annually agreed goals.*

CHAPTER 13: MOBILITY OF BUSINESS PEOPLE

Collective Actions

APEC economies will:

Exchange Information

Exchange information on, and ensure the transparency of, regulatory regimes in regard to the mobility of business people in the region including through regularly updating the information in the online APEC Business Travel Handbook

Short-Term Business Entry

Streamline short-term entry requirements for business people. APEC economies will strive on a best endeavour basis and according to their immigration procedures to implement one or more of the following options:

- i) visa free or visa-waiver arrangements;*
- ii) participating in APEC Business Travel Card scheme;*
- iii) multiple short-term entry and stay visas which are valid for at least 3 years.*

Business Temporary Residency

Implement streamlined temporary residence processing arrangements for the intra-company transfer of senior managers and executives and specialists as defined by individual economies.

Capacity Building (Technical Cooperation and Training)

Develop and implement the mutually agreed standards and benchmarks essential to capacity building and engage in the capacity building initiatives necessary to provide streamlined visa application and immigration entry, stay and departure processing arrangements.

Dialogue with Business

Continue to maintain a dialogue with the APEC Business Mobility Group and the APEC business community (including APEC fora) on mobility issues important to the APEC region and the APEC business community.

The current CAP relating to mobility of business people can be found in the Mobility of Business People Collective Action Plan.

{Economy's} Approach to Mobility of Business People in {Year}

{Economy's} Approach to Business Mobility in {Year}

<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Business Mobility Related Policies and Arrangements</i>	<i>Further Improvements Planned</i>
<i>Regulatory Visa Regimes</i>			
<i>Implementation of APEC Leaders' Transparency Standards on Business Mobility*</i>			
<i>Short Term Business Entry</i>			
<i>Business Temporary Residency</i>			
<i>Technical Cooperation and Training</i>			
<i>Dialogue with Business</i>			

*** Economies should report against the actual language in the APEC Leaders' Transparency Standards on Business Mobility, which can be found in the Appendix at the end of this document.**

Improvements in {Economy's} Approach to Business Mobility since 1996*

Section	Position at Base Year (1996)*	Cumulative Improvements Implemented to Date
<i>Regulatory Visa Regimes</i>		
<i>Implementation of APEC Leaders' Transparency Standards on Business Mobility*</i>		
<i>Short Term Business Entry</i>		
<i>Business Temporary Entry</i>		
<i>Technical Cooperation and Training</i>		
<i>Dialogue with Business</i>		

***While the Informal Experts' Group on Business Mobility did not commence until May 1997, it is considered that the information to be reported as 'base information' would not vary significantly for most Member Economies from 1996 to 1997.**

For purposes of reporting on transparency, Economies should use 1996 (or 1997) as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards. Economies should report against the actual language in the APEC Leaders' Transparency Standards on Business Mobility, which can be found in the Appendix at the end of this document.

Appendix – APEC Leaders’ Transparency Standards on Business Mobility

Introduction

Since its inception, the APEC Business Mobility Group (BMG) has recognized that transparent and predictable business mobility procedures are essential to a stable and open trading regime. As a consequence many BMG initiatives have facilitated openness, transparency and information exchange in an effort to ensure that APEC members make immigration measures (new and amended, including those in international agreements) publicly available to all interested parties. Economies have provided up to date, information on rules and procedures governing temporary residency, processing standards and contact points in the *APEC Business Travel Handbook* and have shared information on immigration legislation, trade agreements, policies and technologies on the BMG web site.

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the “Statement to Implement APEC Transparency Standards” (hereinafter referred to as the “Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005. In paragraph 8 APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement.

The following Business Mobility Standards relate to immigration laws, regulations, policies, administrative rulings, procedures and practices related to the temporary entry and stay of business persons, at the pre-arrival, entry, stay and departure phases.

Transparency Standards on Business Mobility:

Publication and Access

1. In accordance with paragraph 1 of the Leaders’ Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media, for example via the Internet, information on its immigration laws, regulations, policies, and progressively, administrative rulings of general application, procedures and practices as they relate to business persons, collectively referred to as “immigration measures”. Economies will ensure that immigration regulations and requirements based on policy are clear, concise, current, simple, transparent and readily available, and meet applicable Standards for Pre-Arrival and Entry and will: (a) Provide user-friendly application forms, instructions and reference materials.

Consultation

2. In accordance with paragraph 2 of the Leaders’ Statement, each Economy will, when possible, publish in advance using the media and other mechanisms as appropriate proposed immigration measures that might affect business mobility and where applicable provide interested persons a reasonable opportunity to comment on such proposed measures. Such measures should include: (a) A set of rules and regulations that provide sanctions for the production, sale and use of fraudulent documents; (b) Effective rules and regulations that are precise in specifying what constitutes document fraud and what the sanctions are for producing, selling or using fraudulent documents; support inspectors, investigators and prosecutors in apprehending and taking action against fraudulent document producers, vendors and users; and promote business facilitation as well as protect the country’s inhabitants; (c) In respect to professional service, a comprehensive Code(s) of Conduct that sets out in very practical terms the behavior expected of all immigration officials, including employee’s responsibilities, service policies and standards, clear guidance and practical examples, and that is developed in consultation with internal and external stakeholders as appropriate; and (d) Mechanisms for reporting or filing complaints on code of conduct breaches without fear of reprisal or prejudice.

Information Services

3. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will endeavor when possible to promptly provide information and respond to questions pertaining to any actual or proposed immigration measures and will provide: (a) Points of inquiry for business persons or businesses with questions; (b) Simple, quick and user-friendly application processes with clear information and instructions on requirements relating to any exemptions, fees and charges; (c) Information that is easily accessible to internal/external stakeholders (Customer Help Desks/Call Centres or Industry Consultative Committees, Internet, displays and signs); and (d) Where appropriate, will provide mechanisms so that stakeholders' service charters are developed which clearly state the level of service they can expect, and are displayed in public areas such as airports, Immigration offices and overseas missions.

Decision Making

4. In accordance with paragraph 4 of the Leaders' Statement, each Economy will ensure that immigration measures are administered in a transparent manner, including, wherever possible, reasonable notice in accordance with domestic procedure when a proceeding is initiated, and an opportunity to present facts and arguments in support of their positions, when time, the nature of the proceeding, and the public interest permit, and that the procedure is in accordance with domestic law. Economies shall: (a) Strive for transparency in decision-making that is based on an economy's prevailing employment and immigration policies and procedures and, where applicable, provide decisions that are in writing and denials that provide reasons based on requirements and information on any right of appeal or waivers; (b) Strive for reasonable processing times for decision-making in an effort to avoid unnecessary delay or uncertainty on the part of business travelers; (c) Ensure that decisions are consistent with published guidelines and requirements through regular quality control reviews; (d) Ensure that employees are trained in decision-making procedures and have access to current written guidelines and instructions relating to interpretation of regulations and laws; (e) Ensure that authority to make decisions includes appropriate checks and balances, and is strictly controlled to prevent abuse of power; (f) Provide periodic review mechanism of systems and procedures to ensure uniformity and consistency in decision making; reviews undertaken in consultation with employees to eliminate "red tape;" (g) Develop and implement mechanisms which monitor and evaluate the organization's performance against established service standards; (h) To the extent possible, have a system in place for monitoring consistency between different offices, provinces or regions concerning decisions, procedures and information provided; (i) Where appropriate, clearly define and make publicly available the basis or criteria upon which discretionary power is exercised by officials; and (j) To the extent possible, convey reasons for decisions to applicants and document grounds for decisions clearly and retain these for monitoring and review.

Review

5. In accordance with paragraph 5 of the Leaders' Statement and its own immigration laws, where warranted, each Economy will provide procedures that are simple, consistent, and easily accessible for review and appeal of immigration decisions and, where warranted, prompt correction of final administrative actions, regarding immigration measures which provide parties to the proceeding with a reasonable opportunity to present their respective positions, a decision based on the evidence and submissions in the administrative record, tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter, and implementation of the final decision. To ensure transparent administrative regulations and decision-making, Immigration Administrations shall have: (a) To the extent possible, objective performance standards for managers to ensure compliance and accountability for the Standards on Professional Conduct; (b) To the extent possible, guidelines and policies that clearly state management responsibilities in employee development and in the promotion and monitoring of ethical practices and integrity; and (c) Selection criteria for managerial positions that include demonstrated ability to accept responsibility and accountability for implementation of the Standards on Professional Conduct.

APPENDIX III

IAP Reporting Template On RTAs and FTAs

PROPOSAL FOR AN IAP REPORTING TEMPLATE ON FTAS AND RTAS

{Economy}'s Approach to Bilateral and Regional Trade Agreements in {Current Year}		
[Describe briefly, in one or two paragraphs, the policy approach of your economy with respect bilateral and regional trade agreements. This can include how you see RTAs and FTAs fit into your overall trade policy, how they complement your efforts in the WTO, and the role you see them playing in helping your economy meet the Bogor Goals.]		
Part 1: Description of current agreements		
	Agreement #1	
	Background (membership, date of entry into force, type of agreement)	[please provide a short description, or a hyperlink to an appropriate outside source]
	Date of notification to the WTO	[please provide]
	General provisions	[please provide a short description, or a hyperlink to an appropriate outside source]
	Institutional framework and dispute settlement	[please provide a short description, or a hyperlink to an appropriate outside source]
	Provisions relating to treatment of goods	[please provide a short description, or a hyperlink to an appropriate outside source]
	Product coverage	[please provide a short description, or a hyperlink to an appropriate outside source]
	Rules of origin	[please provide a short description, or a hyperlink to an appropriate outside source]
	Provisions relating to treatment of services, investment and government procurement	[please provide a short description, or a hyperlink to an appropriate outside source]
	Services coverage	[please provide a short description, or a hyperlink to an appropriate outside source]
	Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.)	[please provide a short description, or a hyperlink to an appropriate outside source]
	Treatment of other issues (competition, intellectual property, labour, environment, etc).	[please provide a short description, or a hyperlink to an appropriate outside source]
	Other	[please provide a short description, or a hyperlink to an appropriate outside source]
	Changes in [current year]	[please provide a short description, or a hyperlink to an appropriate outside source]
	Expected changes in [current year+1]	[please provide a short description, or a hyperlink to an appropriate outside source]

Agreement #2		
	Background (membership, date of entry into force, type of agreement)	[please provide a short description, or a hyperlink to an appropriate outside source]
	Date of notification to the WTO	[please provide]
	General provisions	[please provide a short description, or a hyperlink to an appropriate outside source]
	Institutional framework and dispute settlement	[please provide a short description, or a hyperlink to an appropriate outside source]
	Provisions relating to treatment of goods	[please provide a short description, or a hyperlink to an appropriate outside source]
	Product coverage	[please provide a short description, or a hyperlink to an appropriate outside source]
	Rules of origin	[please provide a short description, or a hyperlink to an appropriate outside source]
	Provisions relating to treatment of services, investment and government procurement	[please provide a short description, or a hyperlink to an appropriate outside source]
	Services coverage	[please provide a short description, or a hyperlink to an appropriate outside source]
	Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.)	[please provide a short description, or a hyperlink to an appropriate outside source]
	Treatment of other issues (competition, intellectual property, labour, environment, etc).	[please provide a short description, or a hyperlink to an appropriate outside source]
	Other	[please provide a short description, or a hyperlink to an appropriate outside source]
	Changes in [current year]	[please provide a short description, or a hyperlink to an appropriate outside source]
	Expected changes in [current year+1]	[please provide a short description, or a hyperlink to an appropriate outside source]

....an so on for any additional agreements...

Part 2: Agreements under negotiation

[Please provide information on agreements that are currently under negotiation. This can include links to relevant websites.]

Agreement #1		
	Issues being covered in the negotiations	<i>[please provide a short description, or a hyperlink to an appropriate outside source]</i>
	Status of negotiations	<i>[please provide a short description, or a hyperlink to an appropriate outside source]</i>
Agreement #2		
	Issues being covered in the negotiations	<i>[please provide a short description, or a hyperlink to an appropriate outside source]</i>
	Status of negotiations	<i>[please provide a short description, or a hyperlink to an appropriate outside source]</i>

....and so on for any additional agreements...

Part 3: Future plans

[Please provide information on any future plans your economy has in terms of its RTA/FTA strategy]

APPENDIX IV

Pathfinder Initiative Guidelines

PATHFINDER INITIATIVE GUIDELINES

Background

In 2001, APEC Leaders in Shanghai identified Pathfinder initiatives as one of the ways APEC could advance toward achieving the Bogor goals. These initiatives “allow economies that are ready to initiate and implement the cooperative arrangements to proceed to do so, while those that are not yet ready to participate may join at a later date” (Ministerial, 2003)¹. The Pathfinder approach also permits confidence building around initiatives, promotes capacity building and invigorates progress towards free trade and investment goals by fast-tracking individual initiatives.

Currently, the following eight APEC Pathfinder initiatives have been endorsed by Leaders:

- Implementation of Unilateral Advance Passenger Information systems;
- Adoption of the revised Kyoto Convention on the Simplification and Harmonization of Customs Procedures;
- Electronic SPS certificates (E-cert);
- Electronic certificates of origin (CertOfOrigin);
- Corporate governance;
- Mutual Recognition Arrangement of conformity assessment on electrical and electronic equipment parts II and III;
- Trade and the Digital Economy; and
- The Sectoral Food Mutual Recognition Arrangement.

The Committee on Trade and Investment (CTI) is responsible for the overall management and implementation of the Pathfinders. The CTI has developed a work plan on Implementation of Pathfinder Initiatives, comprising a framework document for advancing APEC’s agreed pathfinders and matrices outlining specific strategies and progress under each individual pathfinder. The plan’s main objectives are (i) getting more members to join the Pathfinder initiatives and (ii) better implementing existing Pathfinder initiatives.

The Experience So Far

In their 2003 statement, Ministers welcomed progress made with respect to Pathfinder initiatives. However, Ministers and Leaders have consistently called for economies to work toward greater participation by APEC members in these initiatives and in 2003, Ministers Responsible for Trade tasked officials to review the implementation of, and participation in, the initiatives.

While some of the existing Pathfinders enjoy widespread support among APEC economies, half of them have five or less participating economies and some have stalled in their implementation phase. Especially in cases where there seems to be little prospect for improvement, we are concerned that Pathfinders with limited membership, or stalled, implementation not only undermine the validity and credibility of the individual initiatives, but also have the potential to undermine the credibility of APEC. Furthermore, implementation of initiatives that do not attract wide participation can consume limited resources, particularly for capacity building, that could better be used elsewhere, as well as distracting the attention of officials, Ministers and Leaders.

Low participation rates and stalled implementation of Pathfinders are caused by a range of factors. One of these is a lack of substantial discussion of some Pathfinder initiatives before they become Pathfinders. A full and detailed discussion of an initiative, before it is given Pathfinder status, would ensure that it supports the achievement of APEC’s goals, that it will deliver practical benefits for business and that economies make informed decisions regarding the initiative’s prospects of attracting wide membership. Another factor is a lack of capacity building components in some Pathfinder initiatives. Capacity building components are important because they can enable economies, which might not otherwise have the resources or expertise to sign up to an

¹ Annex B presents the key references to Pathfinder initiatives in statements by Ministers and Leaders.

initiative, to do so. A further factor is the absence of a review mechanism for Pathfinders. By assessing the implementation of Pathfinders and continuously considering the capacity building requirements of non-participants, such a mechanism would increase confidence in the credibility of Pathfinders, attract new participants and avoid stalled implementation.

To address these concerns, the CTI has made Pathfinder initiatives one of its priorities for 2004 and the Friends of the Chair group put forward a "Strategy to improve effectiveness of Pathfinders" at CTI II in June. This paper develops the Strategy presented by the Friends of the Chair further into a suggested set of guidelines, consistent with the Shanghai Accord paragraph² on Pathfinders, which seek to manage how Pathfinder initiatives are developed, progressed and implemented. The suggested guidelines are set out in **Annex A**.

² Leaders reaffirm that those economies ready to initiate and implement a cooperative arrangement may proceed to do so, consistent with the Bogor Declaration. Leaders encourage the development of such pathfinder initiatives and agree that in adopting such an approach, APEC principles of voluntarism, comprehensiveness, consensus-based decision-making, flexibility, transparency, open regionalism and differentiated timetables for developed and developing economies should be observed. Use of pathfinder initiatives based on a group of members piloting the implementation of the initiatives will invigorate the progress towards the Bogor Goals and provide a framework to encourage broader participation through enhanced capacity building programmes. Leaders also agree that these initiatives should be transparent and open, with clearly defined objectives and framework for implementation to encourage the broadest participation by other APEC members when they are ready to join.

Annex A

SUGGESTED GUIDELINES FOR PATHFINDER INITIATIVES

1) Before an initiative could be considered for Pathfinder status, it should be tabled in the CTI or appropriate working group as an 'interim Pathfinder' for the purposes of discussion and exploration of likely participation.

- a) In order to table an initiative as an 'interim Pathfinder', an economy would need to have at least two other economies ready to participate in the initiative.
- b) Implementation of 'interim Pathfinders' can proceed, but should not be proposed to SOM at this stage.
- c) 'Interim Pathfinders' would be reviewed on an annual basis by the CTI or appropriate working group to determine whether they should remain on the agenda.

2) An initiative must retain the status of 'interim Pathfinder' for one year or until at least 50 percent of members agree to participate, whichever is the sooner, to allow thorough discussion. In order for an 'interim Pathfinder' to become a Pathfinder:

- a) more than 25 percent of APEC member economies would need to be ready to participate in the initiative from the beginning, and the remaining economies would need to support the launch of the initiative, including by considering participation in capacity building activities that might facilitate their eventual participation, and
- b) the lead economy would need to develop a detailed proposal document, elaborating the objectives, implementation and proposed outcomes of the initiative, including:
 - i. how the initiative supports the achievement of the Bogor goals or other Ministerial or Leaders' goals;
 - ii. how it intends to meet the ultimate objective of Pathfinder initiatives, which is to achieve full participation by APEC members;
 - iii. how business will benefit from the initiative and how participating economies and APEC generally can promote benefits of the initiative to the business community;
 - iv. how it will ensure it does not duplicate work being conducted by other Pathfinders; and
 - v. a detailed plan for capacity building, aimed at securing wide participation.

3) Where an 'interim Pathfinder' meets the criteria in 2), CTI or relevant working groups could propose to SOM that the initiative be granted Pathfinder status. Based on the CTI/working group advice, SOM would decide whether to agree to Pathfinder status.

4) Pathfinders would be reviewed on an annual basis. Lead economies would prepare brief annual progress reports for the CTI or relevant working group on membership, implementation, business views and describing progress made by non-participants to join the Pathfinder.

- a) On the basis of advice from CTI or the relevant working group, SOM would decide whether to continue a Pathfinder in its current form, or invite the lead economy to revise it to better fit members' views.
- b) In some cases, it might be appropriate to terminate a Pathfinder if, after three years of Pathfinder status, less than 50 per cent of member economies were participating in the initiative or if there appears little prospect of membership increasing in the short-term.

ANNEX B

KEY REFERENCES TO PATHFINDER INITIATIVES IN LEADERS AND MINISTERIAL STATEMENT

In 2001, APEC Leaders clarified “APEC’s roadmap for achieving the Bogor Goals on schedule ... including by ... adopting a pathfinder approach in advancing selected APEC initiatives”.

In 2002, Ministers Responsible for Trade “recognized the role that pathfinder initiatives could play in achieving the Bogor goals of free and open trade and investment.” Furthermore, “they welcomed the work of APEC Fora to identify and develop pathfinder initiatives. They instructed officials to continue this work with a view to presenting initiatives to the Ministerial and Leaders’ Meetings”.

In 2002, APEC Ministers “emphasized that pathfinder initiatives can invigorate progress towards the Bogor Goals and recognized that members who are ready and willing to commit to move faster in specific areas should be able to do so collectively.” Ministers endorsed six initiatives in 2002. Furthermore, Ministers said “these initiatives will facilitate a better trade and investment environment for the benefit of business. Ministers directed relevant APEC fora to review progress in the pathfinder initiatives to encourage broader participation by APEC members, including through the provision of capacity building.”

In 2002, Leaders adopted the Pathfinder Initiatives endorsed by Ministers and adopted, also as a pathfinder initiative, the Statement to Implement the APEC Policies on Trade and the Digital Economy. They “urged all APEC members to consider participating in these initiatives and instructed officials to continue to identify pathfinder initiatives that will deliver real benefits to APEC members.”

In 2003, Ministers Responsible for Trade “urged wider participation in the pathfinder initiatives ... and tasked officials to conduct periodic reviews of progress in these areas.” They “encouraged officials to continue further identification of activities in APEC as potential candidates for the pathfinder approach and encouraged further discussions on their implementation.”

In 2003, Ministers “re-emphasized the important role of Pathfinder initiatives that allow economies that are ready to initiate and implement the cooperative arrangements to proceed to do so, while those that are not yet ready to participate may join at a later date. In this connection, Ministers urged all economies to actively take steps to participate in Pathfinder initiatives so as to ensure timely progress towards the Bogor Goals.”

In 2004 Ministers Responsible for Trade “underlined the importance of increasing economies’ participation in existing pathfinder initiatives and called for their expeditious implementation in order to contribute to the achievement of the Bogor goals. Pathfinders facilitate increased trade for business and we call for the on-going development of new pathfinder initiatives.”

ANNEX C PROPOSED STANDARD FORMAT FOR THE PRESENTATION OF NEW PATHFINDER INITIATIVES

In line with the proposals set out in this document, all pathfinder initiatives should be accompanied by a project proposal. This proposal should be in a standard format and should include the following elements:

- (a) Nature of the proposal
- (b) How the proposal will assist participating economies to achieve the APEC Bogor goals or other priorities established by Leaders or Ministers
- (c) Timeframe for implementation of the initiative and expected date of completion of the initiative (if any)
- (d) Indicators against which the progress of the initiative will be measured
- (e) Participating economies at commencement
- (f) Details of existing business support for the initiative
- (g) Details of communication strategy to promote the proposal to the business and wider community
- (h) Details of strategy to achieve participation by other APEC members, including capacity building
- (i) Schedule for review (if different from the standard)

APPENDIX V

Listing of Pathfinders and Participants

LISTING OF PATHFINDERS AND PARTICIPANTS

Pathfinder	Membership (as at September 2004)
Trade and the Digital Economy	Nineteen economies. Economies not currently participating are China and Russia.
Advance Passenger Information	All economies have agreed on API Standards for the implementation of API systems. Australia, Canada, New Zealand and US have implemented fully API and Thailand is to implement in November 2004. Japan and Korea have committed publicly to implement API in early 2005. Chile, China, Korea, Indonesia, Malaysia, Philippines, Chinese Taipei, and Thailand have undertaken feasibility studies and further announcements are expected in 2004. Brunei; Hong Kong, China; Peru; PNG; Singapore; and Viet Nam have committed to undertake feasibility studies in 2005 or earlier.
E-Cert SPS	Six economies: Australia, Canada, New Zealand, Singapore, Chinese Taipei, and USA. Australia, Canada, New Zealand, Singapore and the USA are currently participating in E-Cert trials. Chinese Taipei has agreed to participate in a trial. Other economies, including Korea and Indonesia, have indicated interest in having trials.
Kyoto Pathfinder	Fifteen economies are participating in Part a) of the Pathfinder: Australia, Canada, Chile, China, Chinese Taipei, Japan, Korea, Malaysia, Mexico, New Zealand, PNG, Philippines, Singapore, Thailand, and the US. Eight economies are participating in Parts a) and b): Australia, China, Canada, Japan, Korea, Malaysia, New Zealand, and the USA.
Electrical MRA	Fifteen economies are participating in Part I: Australia, New Zealand, Singapore, Brunei, Chile, China, Hong Kong, Indonesia, Japan, Korea, Malaysia, Philippines, Chinese Taipei, Thailand and Viet Nam. Three economies are participating in Parts II and III: Australia, New Zealand and Singapore.
Electronic Certificates of Origin	Three economies: Korea, Singapore, and Chinese Taipei
Corporate Governance	Six economies: Australia, Korea, Malaysia, Mexico, New Zealand and Singapore
Food MRA	Five economies: Malaysia, Singapore, Chinese Taipei, Thailand, and Viet Nam

APPENDIX VI

CTI Sub-fora's Collective Action Plans

TARIFFS AND NON-TARIFF MEASURES 2004 COLLECTIVE ACTION PLAN (CAP)

OAA Objectives	Action	Time Frame
<p>CAP Item: Tariffs</p> <p>(a) Participate and ensure the expeditious supply and updates of the WTO Integrated Database and any other APEC databases.</p>	<p>Individual: Submit current data, and any other information which is collectively agreed to be required to implement suggested enhancements by users of the APEC Tariff Database (TDB), to the TDB Manager.</p> <p>Individual: Provide regular updates of tariff information as changes occur, and provide annual updates of trade and other agreed data to the APEC database. To support the WTO, provide tariff and trade data annually in accordance with WTO obligations. Non-WTO members may provide the information as a voluntary measure.</p> <p>Collective: Co-ordinate with SCCP to continuously review existing functions and explore new enhancements with the TDB Manager/other service providers to ensure continuous development and maintenance of the TDB.</p> <p>Collective: Continuously review and improve upon the format for the tariffs chapter of the IAP for use as the electronic-IAP template for reporting progress on liberalisation in tariffs by member economies.</p>	<p>On-going (Most members have provided updated data to the APEC Secretariat for inclusion on the TDB)</p> <p>On-going (Members reported provision of new data to the WTO IDB)</p> <p>On-going (Negotiations between FedEx and the APEC Secretariat continue as to possible refinements to the TDB, including ensuring that updated tariff data is promptly posted on the site and enabling users to download an economy's entire tariff schedule from the database. Discussions with FedEx continue on the possibility of making the format of the tariff data listed on the TDB consistent with the WTO IDB)</p> <p>On-going</p>
<p>(b) Arrange for seminars and/or workshops on industrial tariffs negotiations in consultation with international organisations, where appropriate, including WTO Secretariat on WTO IDB.</p>	<p>Collective: Organise periodically seminars on the WTO IDB with a view to providing capacity-building for member economies in preparatory work towards future tariff negotiations.</p>	<p>On-going</p>
<p>(c) Study lessons from modalities for tariff reduction and elimination in sub-regional arrangements.</p>	<p>Collective: Undertake study in the tariff area with respect to trade data and tariff information, including issues of particular interest to developing member economies, with a view to building capacity to participate in the WTO negotiations.</p>	<p>On-going (MAG has updated a 2003 paper on FTA/RTA Developments in the Region, which will be posted on the MAG website)</p>

OAA Objectives	Action	Time Frame
<p>CAP Item: Non-Tariff Measures</p> <p>(a) Pursue incorporation of information on non-tariff measures into a future version of the APEC tariff database and compile a list of measures recognised as non-tariff impediments and a list of products affected by these impediments.</p> <p>(b) Develop a list of trade regulations and associated administrative arrangements with the potential to affect trade patterns.</p>	<p>Collective: Exchange through the CTI, and where possible make available electronically (e.g. through the APEC Secretariat Homepage), information on NTMs utilising existing WTO formats as a reference.</p> <p>Collective: Examine how information on NTMs can be made available on electronic or other platforms for sharing and exchange, so as to help businesses to better understand member economies' trade regimes/practices.</p> <p>Collective: Develop improved format on NTMs chapter of the IAP for use as the electronic-IAP template to enhance transparency of NTMs and for reporting progress on their reduction.</p> <p>Collective: Further develop the MAG Homepage of links to websites of APEC member economies dealing with trade regulations and associated administrative arrangements as a resource to business and other economies.</p>	<p>On-going</p> <p>On-going (MAG held a trade policy dialogue on Market Access Impediments to Trade faced by Small and Medium Enterprises (SME) in February 2003 to share experiences and identify ways in which MAG can assist business in addressing export impediments they face)</p> <p>On-going</p> <p>On-going (Members updated links in the MAG website and continued discussions with the APEC Secretariat to improve MAG website)</p>
	<p>Collective: Expand the MAG website by posting other appropriate MAG papers on the website.</p> <p>Collective: Develop and update contents of the APEC database in association with other international organisations (e.g. WTO and UNCTAD)</p> <p>Collective: Continuously review and improve upon the format for the non-tariff measures chapter of the IAP for use as the electronic-IAP template to enhance transparency of non-tariff measures and for reporting progress on their reduction.</p>	<p>On-going (Most MAG meeting papers, presentations and project outcomes are now placed on the website, which has been revamped to improve its usefulness to business)</p> <p>On-going</p> <p>On-going</p>

OAA Objectives	Action	Time Frame
(c) Identify industries in which the progressive reduction of non-tariff measures may have positive impact on trade and on economic growth in Asia-Pacific region or for which there is regional industry support for early liberalisation.	<p>Collective: Develop a framework and database for reporting progress on liberalisation in tariffs and NTMs, including product specific information about tariff peaks and tariff quotas.</p> <p>Collective: Follow the progress of the approved work program on NTMs in EVSL and consolidate the overall results of this work.</p>	<p>On-going</p> <p>On-going</p>
(d) Progressively reduce export subsidies with a view to abolishing them. (e) Elaborate the scope of NTMs affecting significant volume of trade in APEC economies.	<p>Collective: Undertake a stock-take of work in the non-tariff measures area by various fora, including identifying types of non-tariff measures, with a view to intensifying work on reducing non-tariff measures.</p> <p>Collective: Maintain a dialogue with other APEC fora on aspects of their work program, which address NTMs.</p>	<p>On-going (MAG held a trade policy dialogue on Market Access Impediments to Trade faced by Small and Medium Enterprises (SME) in February 2003 to share experiences and identify ways in which MAG can assist business in addressing export impediments they face)</p> <p>On-going (Discussions have been initiated with representatives from the Auto Dialogue, the SME Working Group and the Chemical Dialogue, with a trade policy dialogue held on SMEs in February 2004)</p> <p>(Representatives from other APEC subfora/working groups will be invited on a regular basis to help ensure cross-fertilisation of ideas)</p>
(f) Abolish unjustifiable export prohibitions and restrictions and endeavour to refrain from taking any such new measures.	<p>Collective: Exchange through the CTI, and where possible make available electronically (e.g. through the APEC Secretariat Homepage), information on all export subsidies, utilising existing WTO formats as a reference. As a starting point, individual economies could use their respective notifications to WTO under the Agreement on Subsidies and Countervailing Measures.</p> <p>Collective: Discuss further measures to enhance transparency in unjustifiable export prohibitions and restrictions, building on the exchange of information among APEC members and consider other APEC collective actions which are appropriate and possible.</p> <p>Collective: Develop approaches leading to the progressive reduction of export subsidies by members, with a view to abolishing them in support of WTO agreements.</p>	<p>On-going</p> <p>On-going (2001 – 2005)</p> <p>On-going (2001 – 2010/2020)</p>
(g) Pursue a series of seminars/policy discussions on non-tariff	Collective: Undertake a series of policy discussions on NTMs with a view to exploring issues surrounding their progressive reduction, and devising practical	On-going (The results of the NTMs and Trade Facilitation workshop,

OAA Objectives	Action	Time Frame
<p>measures (NTMs)</p> <p>(h) Discuss how NTMs might be implemented in a manner which does not distort trade flows</p>	<p>options for their progressive reduction on a voluntary basis.</p>	<p>held in Thailand in 2003, have been published and widely distributed. The workshop looked at methods of assessing NTMs and trade facilitation in order to assist members to better understand the nature of NTMs and their impact on trade of goods and services)</p>
<p>(i) Undertake a series of policy discussions on NTMs with a view to exploring issues surrounding their progressive reduction, and devising practical options for their progressive reduction on a voluntary basis.</p>		<p>On-going</p>
<p>(j) Undertake research to develop best practices to enhance transparency and progressively reduce NTMs.</p> <p>(k) Undertake research and provide a basis for policy discussions on trade regulations and administrative arrangements that focus on procedural elements of trade processes in collaboration with other APEC for a</p>	<p>Collective: Undertake research on “best practices” trade regulations and administrative arrangements that focus on procedural elements of trade processes.</p>	<p>On-going (A MAG paper based on the experiences of Members with domestic consultation processes on WTO and WTO related issues has been finalised and posted on the website)</p> <p>(Members are progressively implementing area-specific transparency standards on tariffs and non-tariff measures)</p>
<p>(l) Pursue a series of seminars/policy discussions on trade facilitation</p>	<p>Collective: Undertake a series of policy discussions on trade facilitation with a view to encouraging members to continue reforms and reduce trade related transaction costs.</p>	<p>On-going (MAG has contributed to two APEC projects (led by Canada and China) designed to measure the transaction costs of trade facilitation initiatives that have been implemented to meet the APEC goal of reducing transaction costs by 5 percent by 2006)</p>

SERVICES 2004 COLLECTIVE ACTION PLAN

All Sectors other than Energy, Telecommunications, Tourism, and Transportation				
Collective Action	Steps to Implement	Time Frame	Last implemented actions	
<p>I. Develop and Implement the Menu of Options (MOO) for Voluntary Liberalization, Facilitation and Promotion of ECOTECH in Service Trade and Investment</p> <p>a. Review and exchange information on all trade and investment in services arrangements within APEC and study common elements.</p> <p>b. Gather and analyze information on the services section contained within the Individual Action Plans.</p> <p>c. Identification of measures affecting trade and investment in all service sectors.</p>	<p>Adopted the Menu of Options.</p> <p>Discussion on ways to follow up the MOO</p>	<p>Completed (2000-2003)</p> <p>Follow-up ongoing</p>	<p>GOS discussed measures to follow up the MOOs with regard to:</p> <ul style="list-style-type: none"> - Transparency in services through the e-IAPs, and - Recognition in the area of professional services - Capacity building in the area of regulatory impact analysis <p>Chinese Taipei made an evaluation report of the MOO project.</p>	
			Ongoing (every GOS meeting)	GOS reviewed the annual reports of the four service related working groups – TPTWG, TWG, TEL, EWG
		Promote the use of developed template for service IAP reporting.	Ongoing	GOS discussed a proposal made by the US on the better use of the IAP.
		Follow-up to the Menu of Options.	Ongoing	GOS considered whether transparency in services through the e-IAPs could be an item for follow-up work on the MOOs.
		Member economies to volunteer papers and studies in this area and consider cases of “best practices.”	Ongoing	
		Follow-up to the Menu of Options.	Ongoing	GOS considered whether capacity building in the area of regulatory impact analysis could be an item for follow-up work on the MOOs.
		Implement the Policy Framework.	Ongoing	

All Sectors other than Energy, Telecommunications, Tourism, and Transportation			
Collective Action	Steps to Implement	Time Frame	Last implemented actions
d. Study and carry out work concerning the development and adoption of common professional standards, in conjunction with professional accreditation bodies and needed legislative measures.	Discussion of possible actions on means to facilitate the provision of professional services in all member economies.	2005 Completed	GOS to undertake a project of "the Symposium on Mutual Recognition Agreements." GOS shared information on the recent discussions in seminars concerning health services.
e. Enhance transparency in service sectors	Member economies to present cases of their experiences on a voluntary basis aiming to generate momentum for services liberalization in light of perceived benefit of such process.	Ongoing	The Transparency Standards for Services were adopted; and GOS began to discuss how to follow them up. GOS discussed a proposal on developing a transparency section in services part of IAPs made by the US. GOS was briefed by the US Coalition of Service Industries on its transparency web portal under the "Open Government Project"
	Develop the Menu of Options.	2005 Completed (2002-2003)	GOS to undertake a symposium on made-4 transparency at SOM I in 2005 GOS discussed a proposal on the development of a blueprint for the implementation of Services CAPs.
f. Continue discussion of issues related to possible APEC principles or guidelines that may be necessary to achieve free and open trade and investment in this area	Follow-up to the Menu of Options	Ongoing	GOS considered whether capacity building in the area of regulatory impact analysis could be an item for follow-up work on the MOOs.

All Sectors other than Energy, Telecommunications, Tourism, and Transportation			
Collective Action	Steps to Implement	Time Frame	Last implemented actions
IV. Where appropriate and possible to the WTO's work on services, including through:	Monitor WTO work through Watch Group	Ongoing	The WTO watch group (Korea; Chile; Malaysia; Hong Kong, China; and USA) debriefed the meeting on recent development in WTO. Discussion was held with APEC Geneva Caucus on how to enhance GOS support to WTO negotiations including the organization of a workshop on Preparation on Services Commitments in the Context of WTO Negotiations.
a. Identification of APEC services related work projects as inputs to consideration of services trade issues by the WTO Council for Trade in Services and its subsidiary bodies; and	Monitor the WTO work on environmental services	Ongoing	
b. Information exchange and technical assistance, to support GOS Members' preparations for successful participation in WTO services negotiations	Case studies and best practice in innovation in services to help build capacity in developing economies	2005	GOS to undertake a symposium on mode-4 transparency at SOM I in 2005. As an outcome of that project, GOS will develop a template for sharing information on commitment on mode 4.
		2005	GOS to undertake a symposium on mutual recognition agreements
		Ongoing	GOS discussed proposals for further discussion and better understanding of the scheduling of GATS commitments, subsidies in services, and ESM.

INVESTMENT 2004 COLLECTIVE ACTION PLAN

Action	Steps to Implement	Time Frame
<p>Transparency <i>Short-term</i></p> <p>A. Increase the transparency of APEC Investment regimes by:</p> <p>(i) Updating the APEC Guidebook on investment regimes;</p> <p>(ii) Establishing software networks on investment regulation and investment opportunities;</p> <p>(iii) Following the commitment made by the APEC Economic Leaders, to pursue implementation of APEC's transparency principles.</p>	<p>Update the investment guidebook.</p> <p>a) Improving the state of statistical reporting and data collection; and</p> <p>b) Increasing understanding among member economies on investment policy-making issues.</p> <ul style="list-style-type: none"> • Conduct the Investment Policy Discussion Forum on the implementation of the APEC Transparency Standards (Transparency Accord). • Amend the IAPs to reflect Leaders' Statement to be implemented by 2005. 	<p>The 5th Edition of the <i>Investment Guidebook</i> is available.</p> <p>Ongoing</p> <p>Ongoing</p>
<p>Policy Dialogue <i>Short-term</i></p> <p>B. Promote dialogue with the APEC business community on ways to improve the APEC investment environment.</p>	<p>Update, in conjunction with ABAC, arrangements for enhanced investment protection.</p> <p>Identify mechanisms for periodic discussions with business representatives in individual member economies.</p> <p>Consult ABAC, PECC, and other relevant business organizations.</p> <p>Request comments from these bodies on major APEC investment initiatives through inclusion of representatives of such organizations in APEC Investment Symposia.</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>
<p>C. Continue a dialogue with appropriate international organizations dealing with global and regional investment issues.</p>	<p>Establish a policy dialogue process with other fora, where appropriate:</p> <ul style="list-style-type: none"> • Consider possible cooperation with the IMD on surveying investment environments. • To hold a seminar on "Current FDI Trends and Investments Agreements: Challenges and Opportunities" as part of WTO capacity building activities" with participation of OECD, WTO and other relevant parties. 	<p>Ongoing</p> <p>Completed</p>
<p>Study and Evaluation <i>Short-term</i></p> <p>D. Define and implement follow-on training to the WTO implementation seminars;</p>	<p>Continue the development of training and seminars on WTO implementation</p>	<p>Completed</p>
<p>E. Undertake an evaluation of the role of investment liberalization in economic development in the Asia-Pacific region.</p>	<p>Continue the dialogue on facilitation, cooperation, and liberalization with relevant APEC fora.</p>	<p>Ongoing</p>
<p>F. Study possible common elements between existing sub-</p>	<p>Review the investment provisions of current sub-regional arrangements.</p>	<p>Ongoing</p>

Action	Steps to Implement	Time Frame
regional arrangements relevant to investment.	Consider further study of possible relationships between these provisions in the future.	
Medium-term G. Refine APEC's understanding of free and open investment.	Assess evolving elements of global investment disciplines and policy debate with a view to reaching agreement on the endpoint objective for APEC investment liberalization.	Medium-term
Long-term H. Assess the merits of developing an APEC-wide discipline on investment in the light of APEC's own progress through the medium-term, as well as developments in other international fora. I. Study the advantages and disadvantages of creating investment rules—bilateral, regional, or multilateral—with a view to fostering a more favorable investment environment in the Asia-Pacific region. J. Steps to Implement: the completion of Phase I of the Study on APEC Cross-Border Mergers and Acquisitions undertaken by PECC.	To be determined in the light of progress with policy dialogue in the medium-term.	Long-term
Facilitation Short-term and continuing K. Undertake practical facilitation initiatives by: (i) Progressively working towards reducing impediments to investments including those investment related to e-commerce; (ii) Undertaking the business facilitation measures to strengthen APEC economies; and (iii) Initiating investment promotion and facilitation activities to enhance investment flow within APEC economies.	Drawing on business and other advice, identify possible areas for improved practices. APEC Investment Mart.	Ongoing Ongoing
Economic and Technical Cooperation Short-term L. Identify ongoing technical cooperation needs in the Asia-Pacific region and organize training programs which will assist APEC economies in fulfilling APEC investment objectives.	Identify target areas for technical cooperation including 'best practice' policy/administrative frameworks. Conduct training programs for officials related to investment:	Ongoing

Action	Steps to Implement	Time Frame
	<ul style="list-style-type: none"> • Coordinate efforts with other relevant bodies involved in technical cooperation; • An annual exchange of experience program for APEC investment officials and private sector; 	
<p>Capacity Building Initiatives M. Undertake new activities that contribute to capacity building.</p>	<p>Identify the elements of capacity building to strengthen the economies of APEC member economies and undertake the following activities:</p> <ul style="list-style-type: none"> • Prepare for trade and investment liberalization: <ul style="list-style-type: none"> - identify the challenges and the opportunities that voluntary investment liberalization present(s) to investors; and - Identify and implement assistance/strategic measures so that member economies can build confidence and the capacity to sustain their development agenda for mutual benefit. • Developing guidelines for the Workplan to create good investment climates in APEC member economies. 	<p>Ongoing</p> <p>Ongoing</p>
<p>Menu of Options N. Ongoing improvements to the Menu of Options.</p>	<p>Cross-reference between the IAPs and Menu of Options.</p> <p>Follow up Ministers' decision to report economies' progress in implementing and improve the Menu of Options on Investment and report by the Ministers Responsible for Trade in 2004.</p>	<p>Ongoing</p> <p>Completed</p>

STANDARDS AND CONFORMANCE 2004 COLLECTIVE ACTION PLAN

OAA Objectives	Actions	Time frame
1. Alignment		
Align APEC economies' domestic standards with international standards.	<ul style="list-style-type: none"> • Member economies to align their standards with international standards in the following priority areas: electrical and electronic appliances (air conditioners, televisions, refrigerators, radios and their parts and video apparatus); food labeling; rubber gloves and condoms; and machinery. 	1996 to 2000/2005
	<ul style="list-style-type: none"> • Member economies to align their standards with international standards in the additional priority area of electrical and electronic equipment to include all electrical safety (IEC 60335) and relevant EMC (CISPR) standards. 	1998 to 2004/2008
	<ul style="list-style-type: none"> • Member economies to align their standards with international standards in the additional priority area related to safety of information technology equipment (IEC 60950 standard). 	2000 to 2004/2008
	<ul style="list-style-type: none"> • Member economies to align their standards with international standards in the additional priority areas related to standards and guides on conformity assessment and management systems. 	2000 to 2002/2005
	<ul style="list-style-type: none"> • The SCSC to continue identifying additional priority areas for alignment with international standards. 	From 1997
	<ul style="list-style-type: none"> • Member economies to actively participate in the standardization activities of international standardization bodies (ISO & IEC) in the following priority sectors: building and construction and hazardous area equipment. 	From 1996
	<ul style="list-style-type: none"> • Member economies to participate in ad-hoc technical groups, which work with PASC in developing coordinated regional input into the development of international standards in selected areas. 	From 1997
	<ul style="list-style-type: none"> • Member Economies to exchange information about performance-based regulations 	From 2002
	<ul style="list-style-type: none"> • Member economies to promote the use of <i>the Principles and Features of Good Practice for Technical Regulation</i> to be used on a voluntary basis. 	From 2001
	<ul style="list-style-type: none"> • Member economies to update and promote the use of <i>Information Notes on Good Practice for Technical Regulations</i>. 	From 2001
	<ul style="list-style-type: none"> • The SCSC to continue to investigate means of enhancing regulatory practices in the APEC region through a program of case studies and seminars. 	From 2000
	<ul style="list-style-type: none"> • The SCSC to conduct comprehensive reviews of their alignment work. 	2005
	<ul style="list-style-type: none"> • Member economies to update each year the results in their respective alignment plans. These will be placed on the APEC Secretariat's homepage. 	From 1998
<ul style="list-style-type: none"> • Member economies to continue to report on the progress in aligning their standards with international standards 	From 1998	

OAA Objectives	Actions	Time frame
	<ul style="list-style-type: none"> Member economies to review and update their alignment work having consultations with business: ABAC and SME 	From 2003
2. Recognition of Conformity Assessment		
Achieve recognition of conformity assessment including mutual recognition arrangements in regulated and voluntary sectors.	Regulated sector: <ul style="list-style-type: none"> Member economies to develop recognition arrangements of conformity assessment including bilateral, multi-sectoral, and plurilateral mutual recognition arrangements. 	From 1997
	<ul style="list-style-type: none"> Member economies to consider participation in the Arrangement for the Exchange of Information on Toy Safety and encourage the involvement of their regulators. Member economies to consider participation in the APEC Mutual Recognition Arrangement on Conformity Assessment of Foods and Food Products. Member economies to consider participation in the Sectoral Arrangement of APEC Food MRA. Member economies to consider participation in Part I of the APEC Mutual Recognition Arrangement on Conformity Assessment of Electrical and Electronic Equipment through providing information in the agreed common format. Member economies to consider participation in further Parts of the MRA and encourage the involvement of their regulators. Member economies to consider participation in the APEC Arrangement for the Exchange of Information on Food Recalls. The SCSC to review the implementation and use of the mutual recognition arrangements. The SCSC to continue to further consider additional priority areas for MRA in the regulated sector. The SCSC to consider alternative mechanisms to facilitate the recognition of conformity assessment results. The SCSC to review and improve the effectiveness of the APEC MRA on Conformity Assessment of Foods and Food Products; the Arrangement for the Exchange of Information on Toy Safety; the APEC Arrangement for the Exchange of Information on Food Recalls; and the APEC MRA on Conformity Assessment of Electrical and Electronic Equipment. Member economies to implement the program on trade facilitation in information technology products which has been developed in collaboration with the Information Technology Industry Council (ITI). Member economies to consider participation in a pilot of the DeclareNet. The SCSC asked the Working Group on Information Technology Management Systems for the APEC MRAs to liaise with interested parties and report back The SCSC also suggested that the Chairs of the APEC-TEL and EEMRA-JAC should meet with a view to working more closely together, particularly with respect to the application of IT systems to the MRA's. 	From 1996 (16 economies) From 1997 (7 economies) From 2003 From 2000 (15 economies in Part I) (3 economies in Part II and Part III, subject to change) From 2000 From 1999 (2 economies) From 1998 From 1997 From 1999 From 2001 2000 to 2005/2008 From 2001 From 2002 From 2003

OAA Objectives	Actions	Time frame
	<p>Voluntary sector:</p> <ul style="list-style-type: none"> • Member economies to enter into mutual recognition agreements (bilateral and multilateral) in cooperation with Specialist Regional Bodies, where applicable. • Member economies to encourage participation in APLAC-MRA ,PAC MLAs and CIPM Global MRA. 	<p>1996 to 2000/2005</p> <p>From 1998</p>
3. Technical Infrastructure Development		
<p>Promote cooperation for technical infrastructure development to facilitate broad participation in mutual recognition arrangements in both regulated and voluntary sectors.</p>	<ul style="list-style-type: none"> • Member economies to identify specific requirements, assistance and/or activities for technical infrastructure development. • Member economies to consider the provision of assistance for the improvement of other economies' technical infrastructure. 	<p>From 1996</p> <p>From 1996</p>
	<ul style="list-style-type: none"> • The SCSC to undertake the following technical infrastructure projects: <ul style="list-style-type: none"> - Multilateral Recognition Arrangement (MLA) Readiness Project in Product Certification; - Training Risk Assessment in Support of Food Safety Measures; - Training on Testing on Calibration Laboratory Assessment; - APEC/PASC Training Programs on Adoption of International Standards; - Survey of Accredited Calibration and Testing Laboratory Performance: APLAC Calibration Proficiency Testing Programs, 2003-2005; - Training on Good Regulatory Practice; - Training Program on ISO 14000 Series Product Oriented Standards: EL, LCA and DfE - A joint APMP-SIM Workshop Addressing the Implementation of Quality Systems in National Metrology Institutes - Symposium on Traceability in Legal Metrology; - APEC Capacity Building Workshop and Symposium for Harmonization of Food Safety Regulations in Fisheries and Seafood Products; - WTO Compliance- Capacity Building Training in the Development of Food Standards (based on a risk management framework); - WTO Compliance- Capacity Building Training in the Safety Assessment of Genetically Modified (GM) Foods; and - Multilateral Recognition Arrangement (MLA) Readiness Project in Environment Management system Certification - Training Programme on ISO14000 and product orientated standards EL, LCA and DfE • Member economies to undertake activities from among those recommended in the revised Mid-Tern Technical Infrastructure Development Program. • Member economies to strengthen participation in Specialist Regional Bodies activities. • Member economies to support and actively participate in APEC Conferences on Standards and Conformance. • Member economies to support and actively participate in APEC Conferences on Good Regulatory Practice. 	<p>From 1999</p> <p>From 2001</p> <p>From 1996</p> <p>Completed on 2004</p> <p>Completed on 2004</p>

OAA Objectives	Actions	Time frame
	<ul style="list-style-type: none"> • The SCSC to compile member economies' regulatory profile and develop information and case studies on decision tree analysis for Food/Drug Interface policy development and regulation. • The SCSC to consider the outcomes of the Food Experts Network. • The SCSC to continue the identification of priority areas for technical infrastructure development programs, and to be reflected in development of guidelines for project prioritization. • Member Economies to fill out their Country Page. 	<p>From 2001</p> <p>From 2002</p> <p>From 2002</p> <p>From 2002</p>
4. Transparency		
Ensure the transparency of the standards and conformity assessment of APEC economies	<ul style="list-style-type: none"> • Member economies to update the APEC Contact Points for Standards and Conformance Information, including member economies' participants in the Specialist Regional Bodies and member economies SCSC Contact Points. Member economies agreed that this information should be maintained on the APEC Secretariat's homepage. • Member economies to endeavor to establish Internet websites to disseminate standards and conformance information. • Member Economies to develop a database on conformity assessment operators and their activities/services offered and establish an APEC Cooperation Center for Conformity Assessment. • Member economies to exchange information on experiences of the transparency provisions in the RTAs/FTAs • Member economies to implement the APEC Leaders Transparency Standards on Standards and Conformance 	<p>From 1997</p> <p>From 1997</p> <p>1999 to 2004</p> <p>From 2003</p> <p>From 2003</p>
	<ul style="list-style-type: none"> • Member economies to establish and maintain the country pages in the Directory of Food Trade Contacts to maximize transparency of food regulatory systems and standards. 	
Cross-Cutting Activities		
5. Cooperation with Specialist Regional Bodies		
	<ul style="list-style-type: none"> • Member economies to pursue closer cooperation with the Specialist Regional Bodies (SRBs) in line with the: <ol style="list-style-type: none"> 1. Statement of Commitment to Mutually Agreed Objectives between the SCSC and the SRBs, and 2. The Criteria for APEC TILF Funding of Project Proposals by Specialist Regional Bodies 	From 2000
6. Cooperation with International Bodies		

SCCP COLLECTIVE ACTION PLAN OBJECTIVES AND EXPECTED OUTPUTS

OBJECTIVES	EXPECTED OUTPUTS
<p>1. Harmonization of Tariff Structure with the HS Convention To ensure consistency of application, certainty and a level playing field for business through the HS Convention, the standard international harmonized system for the classification of goods.</p>	<ul style="list-style-type: none"> • The accurate, consistent and uniform application of the HS Convention by all APEC member economies.
<p>2. Public Availability of Information on Customs Laws, Regulations, Administrative Guidelines and Rulings provided to the business sector on an ongoing basis. To ensure traders have access to all the pertinent information for business decisions through the provision of accurate, consistent and user-friendly information to business on an ongoing basis.</p>	<ul style="list-style-type: none"> • To improve transparency of APEC Customs Administrations • To enhance the APEC Customs Administrations' competency in the dissemination of information on customs laws, regulations, procedures, rulings and guidelines
<p>3. Simplification and Harmonization on the Basis of the Kyoto Convention To improve efficiency in customs clearance and the delivery of goods in order to benefit importers, exporters and manufacturers through simplified customs procedures and best practices.</p>	<ul style="list-style-type: none"> • Simplified and standardized customs procedures implemented by all APEC members
<p>4. Adoption and Support for the UN/EDIFACT / Paperless Trading To use the standard UN electronic messaging format for automated systems, the United Nations/Electronic Data Interchange for Administration, Commerce and Transport, to promote an electronic highway for business.</p>	<ul style="list-style-type: none"> • The implementation by member administrations of UN/EDIFACT international electronic messaging standards as the basis for their computerization programs
<p>5. Adoption of the Principles of the WTO Valuation Agreement To facilitate administration of the World Trade Organization's Valuation Agreement on standard procedures for valuing goods.</p>	<ul style="list-style-type: none"> • The implementation of the Agreement by members, in a timely and orderly manner, to meet members' international obligations under the Agreement.
<p>6. Adoption of the Principles of the WTO Intellectual Property (TRIPS) Agreement To implement border enforcement procedures for protecting intellectual property rights.</p>	<ul style="list-style-type: none"> • A strategic program designed and developed to implement border endorsement of the Agreement by members, in a timely and orderly manner, to meet international obligations under the Agreement.
<p>7. Introduction of Clear Appeals Provision To provide business with an opportunity to challenge potentially erroneous or inequitable Customs decisions through mechanisms for transparent, independent and timely appeals.</p>	<ul style="list-style-type: none"> • Implementation of Customs appeal mechanisms by all members. • The enhanced transparency and effectiveness of the appeals process and client service initiatives within APEC customs administrations.
<p>8. Introduction of an Advance Classification Ruling System To establish simplified procedures for providing classification information prior to importation, thus bringing certainty and predictability to international trading and helping traders to make sound business decisions based on legally binding advice.</p>	<ul style="list-style-type: none"> • The introduction of simplified procedures for an advance classification ruling system to the customs procedures of each APEC economy, by the year 2000.
<p>9. Provisions for Temporary Importation, e.g., acceding to the A.T.A. Carnet Convention or the</p>	<ul style="list-style-type: none"> • The implementation of the terms of the A.T.A. Carnet and Istanbul Conventions.

OBJECTIVES	EXPECTED OUTPUTS
<p>Istanbul Convention To help business move goods such as commercial samples, professional equipment, tools of trade and exhibition material across borders with a high degree of certainty as to how these goods will be treated by Customs by having standard procedures for admitting goods on a temporary basis.</p>	<ul style="list-style-type: none"> • The provision of a common import/export document for the temporary importation of goods. • An internationally accepted security for goods entitled to temporary admission without payment of duties and taxes.
<p>10. Harmonized APEC Data Elements To develop a comprehensive directory supported in UN/EDIFACT which includes a simplified "core set" of data elements, largely derived from commercially available data, that would satisfy the standard data requirements of the majority of APEC trade transactions and so facilitate the exchange of information and provide a foundation for common forms and electronic commerce.</p>	<ul style="list-style-type: none"> • The development of a set of trade data elements required for ordinary goods for home consumption. • The development of a set of best practices guidelines for the processing and clearance associated with the movement of goods until the goods are no longer under any customs controls.
<p>11. Risk Management Techniques To focus Customs enforcement efforts on high-risk goods and travellers and facilitate the movement of low-risk shipments, through a flexible approach tailored to each APEC economy.</p>	<ul style="list-style-type: none"> • The implementation of a systematic risk management approach will allow APEC Customs administrations to facilitate legitimate trade and travel while maintaining control.
<p>12. Guidelines on Express Consignments Clearance To implement principles contained in the WCO Guidelines on Express Consignment Clearance, the international standard procedures for clearance of express goods, working in partnership with express industry associations.</p>	<ul style="list-style-type: none"> • The timely implementation of the international standard for customs clearance of express shipments. • Trade facilitation while maintaining essential customs control responsibilities.
<p>13. Integrity To raise level of integrity in Customs Administrations.</p>	<ul style="list-style-type: none"> • More accountable, consistent, reliable and transparent Customs Administration
<p>14. Customs-Business Partnership To enhance the cooperation and communication between Customs and the business sector</p>	<ul style="list-style-type: none"> • The development of Customs-Business Partnership with the relevant players / parties in the business sector through the signing of MOUs or other instruments of cooperative arrangement. • The establishment of permanent and regular liaison / consultation channels between Customs and the relevant players / parties in the business sector.

INTELLECTUAL PROPERTY EXPERTS GROUP 2004 COLLECTIVE ACTION PLAN

	OAA Objectives	Actions	Status/Target Date
a	Deepening the Dialogue on Intellectual Property Policy – WTO DDA and Protection of IPR in New Fields	<ul style="list-style-type: none"> The IPEG members have discussed recent contentious issues of the WTO TRIPs Agreement and emerging IP fields such as genetic resources and biotechnology. The IPEG member economies have conducted seminars on implementation of the WTO TRIPs Agreement and enforcement of IPRs. Mexico surveyed each economy's legal schemes and tools for protecting geographical indications. 	Ongoing Ongoing Ongoing
b	Support for Easy and Prompt Acquisition of Rights	<ul style="list-style-type: none"> Singapore is in the process of finalizing a standard trademark application form. The IPEG members exchanged their experience of patent examinations and searches. The IPEG members shared information on their current administrative systems and on their status with respect to joining international treaties. 	Ongoing Ongoing Ongoing
c	Electronic Processing of IPR-related Procedures	<ul style="list-style-type: none"> Australia enhanced the IPEG Web site by adding a discussion board, links to the IPR service centers of all the members, and an enforcement database. We agreed to encourage greater use of the IPEG Web site as a means of informing the government and business sectors of our expertise and activities. The IPEG members shared their experiences on development and operation of electronic system including electronic filing system and information dissemination by electronic means 	Ongoing Ongoing
d	Cooperation for Improvements to the Operation of IP Systems	<ul style="list-style-type: none"> Korea made a status report on APEC/IPEG Technical Cooperation Project of IP offices Automation. genetic resources and biotechnology. 	Completed
e	Establishing Effective Systems for IPR Enforcement	<ul style="list-style-type: none"> The IPEG reviewed the <i>IPR Service Center Manual</i> and summarized the status of our members in relation to the construction of the IPR service centers. To provide easy access to information, some members, such as Australia, Hong Kong China, Japan, New Zealand, and Vietnam have constructed Web sites for their service centers. (For details, refer to the appendix B) The IPEG reviewed a draft report of the <i>IPR Policy Progress Mapping</i> and the <i>Comprehensive Strategy on IPRs in APEC</i>, suggested by Japan. For this, we collected summaries of the activities of some member economies, along with information on the current legal schemes and enforcement statistics for the 1998-2003 period. 	By AMM and ongoing By AMM and ongoing

	OAA Objectives	Actions	Status/Target Date
		<p>(For details, refer to the appendix C)</p> <ul style="list-style-type: none"> The IPEG members gave an update on recently strengthened measures to curb IPR infringement. The measures included investigations by government officials, the launch of special enforcement task forces, and amendments to related laws and regulations. 	Ongoing
f	Promoting IP Asset Management in APEC Economies	The IPEG members shared information on their activities and related regimes	
g	Raising Public Awareness	The IPEG members exchanged their advanced activities public awareness campaigns for public education and IPR promotion in their economies	Ongoing
h	Facilitation of Technology Transfer through Ensuring of IP Protection	The IPEG members shared information on their activities and related regimes	
i	Facilitation Harmonizing on IP Legal Regime	The IPEG members shared information on their current administrative systems and on their status with respect to joining international treaties.	Ongoing

COMPETITION POLICY 2004 COLLECTIVE ACTION PLAN

Collective Action	Steps to Implement	Time Frame
<p>a) Gather information and promote dialogue on and study:</p> <p>i) The objectives, necessity, role and operation of each APEC economy's competition policy and/or laws and administrative procedures, updating on a permanent basis the database on competition policy;</p> <p>ii) Competition policy issues that impact on trade and investment flows in the Asia-Pacific region;</p> <p>iii) Exemptions and exceptions from the coverage of each APEC economy's competition policy and/or laws in an effort to ensure that each is no broader than necessary to achieve a legitimate and explicitly identified objective;</p> <p>iv) Areas for technical assistance and the modalities thereof, including exchange and training programs for officials in charge of competition policy, taking into account the availability of resources; and</p> <p>v) The interrelationship between competition policy and/or laws and other policies related to trade and investment;</p>	<p>A. Collective action: Continue policy dialogue and information exchange and study on competition policy, competition laws and their enforcement and their interrelationship with other policies related to trade and investment, including through further workshops if members so decide.</p> <p>B. Individual economies: To provide further information (update) on their competition policies, competition laws and their enforcement, exemptions and exceptions from the coverage of competition policy and/or law, thereby enhancing transparency and contributing to the development and enhancement of the APEC database on competition law and policy.</p> <p>C. Individual economies to seek technical assistance and/or consider providing training programs with a view to sharing their experience in operating competition policies and laws with other Members.</p> <p>D. Complete the study on the advantages and disadvantages of competition law for developing economies.</p>	<p>Started 1996 (Each annual CPDG meeting is an opportunity for continuous exchange)</p> <p>Ongoing (Database is continuously updated)</p> <p>Ongoing</p> <p>Completed 1999</p>

Collective Action	Steps to Implement	Time Frame
b) Deepen competition policy dialogue between APEC economies and relevant international organizations;	<p>A. Collective action: maintain dialogue with other international organizations considering competition policy and law issues.</p> <p>B. Collective action: continue working to contribute to the WTO discussion on the interaction between trade and competition, in accordance with the mandate given by APEC Trade Ministers.</p>	<p>Ongoing (Third phase of the APEC - OECD Cooperative Initiative on Regulatory Reform)</p> <p>Ongoing</p>
c) Continue to develop understanding in the APEC business community of competition policy and/or laws and administrative procedures;	Collective action: Individual economies to further develop dialogue, on a permanent basis, with the business community on competition policy and/or laws and administrative procedures.	Ongoing
d) Continue to develop an understanding of competition policies and/or laws within their respective governments and within relevant domestic constituencies, thereby fostering a culture of competition.	Collective action: Individual economies will develop and implement strategies to explain the benefits of competition policy/laws to their citizens and government agencies.	Ongoing
e) Encourage cooperation among the competition authorities of APEC economies with regard to information exchange, notification and consultation;	<p>A. Collective action: consider further actions for promoting cooperation among competition authorities.</p> <p>B. Individual economies to list and update contact points of competition authorities periodically with a view to information exchange, consultation and communication where deemed necessary.</p>	<p>Ongoing</p> <p>Ongoing</p>
f) Contribute to the use of trade and competition laws, policies and measures that promote free and open trade, investment and competition;	Interaction with other APEC sub-for a, especially with SELI.	Ongoing
g) Encourage all APEC economies to implement the "APEC Principles to Enhance Competition and Regulatory Reform"	<p>A. Collective action is to establish a set of non-binding APEC Principles to Enhance Competition and Regulatory Reform.</p> <p>B. Individual Economies: Action oriented undertakings directed to the implementation of the "APEC Principles to Enhance Competition and Regulatory Reform" by APEC Fora and Subfora.</p> <p>C. Agreeing on the final version of the APEC-OECD Integrated Checklist for Regulatory Reform.</p> <p>D. Implementing the third phase of the APEC-OECD Cooperative Initiative on Regulatory Reform, to facilitate the implementation of the APEC</p>	<p>September 1999</p> <p>Ongoing</p> <p>2004</p> <p>2004</p>

Collective Action	Steps to Implement	Time Frame
	Principles to Enhance Competition and Regulatory Reform”	
h) Undertake capacity building programs to assist economies in implementing the “APEC Principles to Enhance Competition and Regulatory Reform”	<p>A. Collective Action: Participation in the APEC-OECD Cooperative Initiative for Regulatory Reform.</p> <p>B. Collective Action: Training Program to Promote Economic Competition in Regulated Sectors (four components).</p> <p>C. Collective Action: Second phase of the APEC-OECD Cooperative Initiative for Regulatory Reform, developing the Integrated Checklist for Regulatory Reform.</p> <p>D. Best Practice in Enforcement of Competition Policy</p> <p>E. Collective Action: Third phase of the APEC-OECD Cooperative Initiative for Regulatory Reform, implementing the Integrated Checklist on Regulatory Reform.</p> <p>F. Collective Action: Participation in the Training Program on Competition Policy for APEC Member Economies.</p>	<p>Completed 2002</p> <p>Completed 2003</p> <p>Completed 2004</p> <p>Completed 2004</p> <p>Third phase to be launched in 2005</p> <p>Fourth component completed in 2004 New phase to be launched in 2005</p>

DEREGULATION 2004 COLLECTIVE ACTION PLAN

Collective Action	Steps to Implement	Time Frame
(a) Publish annual reports detailing actions taken by APEC economies to deregulate their domestic regulatory regimes.	Individual economies agreed that this would occur within their IAP to report on reforms to their domestic regulatory regimes and to update such reports annually.	Continuous.
<p>(b) Develop further actions taking into account the above reports, including:</p> <p>i) Policy dialogue on APEC economies' experiences with regard to best practices in deregulation, including the use of individual case studies to assist in the design and implementation of deregulatory measures, and consideration of further options for a work program which may include:</p> <ul style="list-style-type: none"> - identification of common priority areas and sectors for structural reform; - identification of common priority areas and sectors for deregulation - provision of technical assistance in designing and implementing deregulation measures; and - examination of the possibility of establishing APEC guidelines on domestic regulation. 	<p>A. Collective action: establish a set of non-binding APEC Principles to Enhance Competition and Regulatory Reform, and a set of action orientated undertakings on competition policy and deregulation.</p> <p>B. Collective action: take stock of information already gathered in APEC on regulatory regimes and regulatory reform with a view to identifying common experiences, and technical assistance needs and availability.</p> <p>C. Collective action: promote dialogue and understanding within APEC, through focused discussion, on the experiences of APEC economies and on the principles applied to and best practices in, structural reform (drawing on the short-term information gathering exercise).</p> <p>D. Collective action: promote dialogue and understanding within APEC, through focused discussion, on the experiences of APEC economies and on the principles applied to and best practices in, regulatory reform (drawing on the short-term information gathering exercise).</p> <p>E. Collective action: following the Christchurch workshop on competition policy and deregulation, develop a common understanding of the interrelationships between competition policy, deregulation and trade liberalization.</p> <p>F. Individual Economies: Action oriented undertakings directed to the implementation of the "APEC Principles to Enhance Competition and Regulatory Reform" by APEC Fora and Sub-fora.</p> <p>G. Collective action: maintain and deepening dialogue with other international organisations considering competition policy and deregulation issues (APEC-OECD Cooperative Initiative on Regulatory Reform).</p>	<p>September 1999</p> <p>Ongoing and continuous.</p> <p>Ongoing and continuous.</p> <p>Ongoing and continuous.</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing (third phase to be implemented in 2005)</p>

GOVERNMENT PROCUREMENT 2004 COLLECTIVE ACTION PLAN

	Objectives	Actions	Status/Target Date
A	Support for the WTO	Continue to monitor progress of the WTO Working Group on Transparency in government procurement and consider further contributions, if appropriate. GPEG to keep a watching brief over options for GPEG support for the WTO.	Ongoing
B	Implementation of the APEC Trade Facilitation Action Plan		
	To review consistency of government procurement systems with APEC GPEG Non-Binding Principles (NBPs) on government procurement, noting that actions to achieve this are voluntary.	Encourage member economies to complete their initial voluntary reviews of the consistency of their government procurement systems with the APEC GPEG NBPs. All member economies should periodically update their summary information on the GPEG website	Ongoing
	To exchange information on development of e-procurement in government procurement in ways consistent with the APEC GPEG NBPs, and consider/develop relevant capacity building approaches.	Encourage member economies to present on their experience in implementing e-procurement systems for government procurement and discuss ways of advancing GPEG work in this area.	Ongoing
	Capacity Building Project 1 – GPEG Bulletin Board To facilitate greater information sharing develop an electronic Bulletin Board for GPEG members.	Maintain a GPEG bulletin board for the exchange of member economies' experience across a range of government procurement issues (Australia sponsor).	Development completed. Ongoing
	Capacity Building Project 2 – Business Outreach. To provide greater access for business to government procurement information.	Support the SME Working Group's project to research issues relevant to SMEs with a view to building a greater understanding of issues affecting SME access to government procurement. Undertake a two-part study consisting of a survey of existing SME programs in APEC economies and an evaluation of those programs with a view to proposing possible models to facilitate SME access to government procurement.	2005 2005
	Capacity Building Project 3 – Best Practice Case Studies. To share best practice in government procurement through the dissemination of case studies.	Encourage members to develop and share best practice case studies on the APEC GPEG website.	Ongoing
C	Implementation of the Pathfinder Initiatives	Examine GPEG e-procurement information for relevance to the Digital Economy pathfinder initiative and provide relevant input to the initiative.	Completed

	Objectives	Actions	Status/Target Date
		Examine further opportunities for GPEG support for implementing the Digital Economy initiative.	Completed
D	Implementation of the APEC Transparency Standards	Finalise the GP area-specific transparency standards.	Completed
		Implement strategy to report on implementation of the GP Transparency Standards.	2005 and ongoing
		Review proposal to implement GPEG reporting in updated template for government procurement chapter of Individual Action Plans.	Completed
E	Implementation of the APEC Structural Reform Action Plan	Not relevant to GPEG	
F	Other Areas		
	Share and discuss GPEG members' experience with regional and bilateral free trade agreements in the area of government procurement.	Provide relevant updates at each meeting.	Ongoing
	Build greater engagement with the business sector and other stakeholders.	Contact the Convenor of SME Working Group to discuss building a closer relationship between the two groups, and invite one of their representatives to attend and present to the GPEG meeting at SOM III 2004. Refer to Section B re: project on business outreach.	Completed

MOBILITY OF BUSINESS PEOPLE 2004 COLLECTIVE ACTION PLAN

OAA Objectives	Action	Timeframe
Collective Actions APEC economies will:		
EXCHANGE INFORMATION Exchange information on regulatory regimes in regard to the mobility of business people in the region, including through regularly updating the information in the online APEC Business Travel Handbook.	Members to continue to regularly update the APEC Business Travel Handbook informing business of economies' short-term and temporary residence entry requirements and processing arrangements (standing item at BMG meetings).	Ongoing
	Continue to improve the Business Mobility website to act as a conduit for meeting papers and exchange of information on trade agreements and other activities, in accordance with Leaders' Transparency Standards.	Ongoing
SHORT-TERM BUSINESS ENTRY Streamline short term entry requirements for business people. APEC economies will strive on best endeavours basis, and according to own immigration procedures, to implement one or more of the following options: - visa free or visa waiver arrangements; - participate in the APEC Business Travel Card scheme; - multiple short-term entry and stay visas which are valid for 3 years.	Members to continue review and improve their arrangements for short term business travellers, including the progressive implementation of e-commerce arrangements consistent with agreed standards.	Ongoing
	Experts' Group to continue to support ABAC's aim of expanding the APEC Business Travel Card (ABTC) scheme. Scheme has 16 participating economies (as at October 2004).	Ongoing
	Members to report to BMG meetings on progress in implementing e-commerce facilities (standing item).	Ongoing
	Members to report to BMG meetings on their promotion and ability to meet the service standards of the APEC Business Travel Card scheme.	Ongoing
BUSINESS TEMPORARY RESIDENCY Implement streamlined temporary residence processing arrangements for the intra company transfer of executives, senior managers and specialists, as defined by individual economies.	Implement, on a best endeavours basis, the agreed 30 day service standard for the temporary residency processing of executives, senior managers and specialists (as defined by individual economies), where all necessary documentation is completed. Members to continue to report on processing times (standing item).	Ongoing
	Members to consider streamlining access to work permission/authorisation for spouses of personnel on intra company transfer, on request, and on a best endeavours basis.	Ongoing
	Members to report to SOM meetings on progress in implementing e-commerce facilities in accordance with agreed standards.	Ongoing
CAPACITY BUILDING (TECHNICAL COOPERATION AND TRAINING) Develop and implement the mutually agreed standards and benchmarks essential to capacity building and engage in the capacity building initiatives necessary to provide streamlined visa application and immigration entry, stay and	A paper on standards for travel, entry, stay and departure was endorsed by economies at SOM II 2001. The paper provides benchmarks and a framework for economies to strive for in building their capacity to implement improved immigration arrangements for business people, and a basis for future capacity building projects.	Ongoing
	The IEGBM endorsed a paper at SOM III 2002, proposing standards for professional service for immigration administrations, as part	Phases 1 and 2 completed. Phase 3 to be completed

OAA Objectives	Action	Timeframe
departure processing.	of the first phase of an APEC TILF funded project. The second phase workshop was held on 10–12 February 2003 in Thailand to assist economies self-assess against the standards. Funding for Phase 3 of the project was approved by the BMC on 1 August 2002, to continue the current project to the stage of assisting economies to develop and implement their individual action plans. Economies report on progress at BMG SOM meetings (standing item).	end 2004.
	At SOM III 2001, the IEGBM endorsed a standards paper for Document Examination and Fraud detection. Economies are progressively implementing the standards. In accordance with BMG agreements, economies continue to report to the BMG on the implementation of the training strategy in their national training programs.	Training completed June 2002. Implementation of the standards is ongoing on individual, best endeavours basis.
	Subject to Leaders' support, Australia and the United States, under the auspices of the IEGBM, has completed examination of the feasibility of developing a Regional Movement Alert List (RMAL) system. The feasibility study report to Leaders advises that RMAL is feasible and recommends that a pilot be conducted in 2005. The pilot is open to economies to join in 2005.	2005
	The IEGBM received TILF funding from the BMC (1 August 2002) to develop standards and a capacity building program to implement standards in travel document security and related issuance systems. Standards were agreed by the BMG at SOMI. The project's second phase workshop was conducted in March 2004 in Sydney to assist economies self-assess against agreed standards. The BMG received urgent TILF funding approval in April 2004 to assist economies develop their strategic action plans to implement the agreed standards (Phase 3).	Phase One completed July 2003 Second Phase completed March 2004 Third phase to be completed June 2005
	The BMC approved TILF funding (1 August 2002) for a project to conduct feasibility studies in three APEC economies to assess the requirements for the implementation of Advance Passenger Information systems, to be conducted during 2002 and 2003. A second project to conduct feasibility studies was approved in July 2003 by the BMC. Feasibility studies have already been conducted in Malaysia (under a bilateral arrangement with Australia) and in Thailand, the Philippines, Indonesia, Korea, Chinese Taipei, Chile and China. A further 6 economies: Brunei; Hong Kong China; Peru; PNG; Singapore; and Viet Nam are listed for feasibility studies. These studies will take place in 2005.	All feasibility studies to be completed by June 2005. Several economies to implement API in 2004-2005.
	The BMG received TILF funding from the BMC in August 2004 to provide interested economies with the required training to enable them to training to join Chile's alert information project, once the system had been	2005–2006

OAA Objectives	Action	Timeframe
	<p>successfully tested by Chile.</p> <p>The BMG agreed to standards for Immigration Legal Infrastructure at SOMI 2004. Economies are self-assessing their legislation against the standards and options for any capacity building assistance are to be considered.</p>	May 2003 – end 2004
<p>DIALOGUE WITH BUSINESS Continue to maintain a dialogue with the APEC Business Mobility Group and the APEC business community (including with APEC fora) on mobility issues important to the APEC region and the APEC business community.</p>	<p>Experts' Group to utilise the Business Mobility website to facilitate dialogue between the Group and the business community.</p>	Ongoing
	<p>The BMG is collectively and individually address the findings of the BMG Gender Survey Report in respect of increasing awareness of the APEC Business Travel Card scheme. A strategy has been agreed with the APEC Secretariat and further consideration to effecting improvements to the scheme are currently being considered in consultation with ABAC.</p>	Survey completed end 2002. 2003–2004
	<p>Members continue to seek input from the business community in their home economies on mobility issues and report on any identified issues of concern to the Experts' Group.</p>	Ongoing
	<p>Members to participate in appropriate outreach events in the APEC calendar. IEGBM to ensure promotion of its activities at Trade shows and in Chile in 2004.</p>	2003–2004
	<p>Members to continue to update and to encourage feedback from business representatives on utility of <i>APEC Business Travel Handbook</i>.</p>	Ongoing
	<p>Members to provide information and encourage feedback from the business community about the IEGBM's initiatives via the Business Mobility website.</p>	Ongoing

The background of the page is a dark, almost black, color. Overlaid on this background is a faint, pixelated map of the world. The map is composed of small, light-colored squares that form the outlines of continents and major landmasses. The overall effect is a subtle, digital-style representation of the globe.

DIRECTORY OF TERMS

DIRECTORY OF TERMS

ABAC	APEC Business Advisory Council
ABTC	APEC Business Travel Card
AELM	APEC Economic Leaders Meeting
AMM	APEC Ministerial Meeting
APCIC	Asia-Pacific Chemical Industry Coalition
APEC	Asia-Pacific Economic Cooperation
API	Advance Passenger Information
APLAC	Asia Pacific Laboratory Accreditation Cooperation
APLAC MRA	Asia Pacific Laboratory Accreditation Mutual Recognition Agreement
APLMF	Asia Pacific Legal Metrology Forum
APMP	Asia Pacific Metrology Program
APP	Advance Passenger Processing
CAP	Collective Action Plan
CIF	Cost of Insurance
CIME	OECD Committee on International Investment and Multinational Enterprises
CISPR	International Special Committee on Radio Interference
CPDG	Competition Policy and Deregulation Group
CSOM	Concluding Senior Officials' Meeting
CTI	Committee on Trade and Investment
DDA	Doha Development Agenda
DfE	Design for Environment
EC	Economic Committee
ECOTECH	Economic and Technical Cooperation
ECSG	Electronic Commerce Steering Group
EDTF	Expanded Dialogue on Trade Facilitation
EEMRA	APEC Mutual Recognition Arrangement on Electrical and Electronic Products
EMC	Electronic Magnetic Compatibility
EU	European Union
EVSL	Early Voluntary Sectoral Liberalisation
EWG	Energy Working Group
FDI	Foreign Direct Investment
FOB	Free-on-Board
FTAs	Free Trade Agreements
GATS	General Agreement on Trade in Services

GHS	Global Harmonized System
GOS	Group on Services
GP	Government Procurement
GPEG	Government Procurement Experts' Group
GRP	Good Regulatory Practices
IAP	Individual Action Plan
IDB	WTO Integrated Database
IEC	International Electrotechnical Commission
IEG	Investment Experts Group
IEGBM	Informal Experts Group on Business Mobility
IPEG	Intellectual Property Rights Experts Group
IPR	Intellectual Property rights
ISO	International Organization for Standardization
IT	Information Technology
ITI	Information Technology Industry Council
LSIF	Life Sciences Innovation Forum
MAG	Market Access Group
MFN	Most Favored Nation
MLA	Multilateral Recognition Arrangement
MOO	Menu of Options
MRA	Mutual Recognition Agreement
MRT	Meeting of Ministers Responsible for Trade
NBPs	Non-Binding Principles
NTM	Non-Tariff Measure
OAA	Osaka Action Agenda
OECD	Organization for Economic Cooperation and Development
PAC	Pacific Accreditation Cooperation
PAC MRA	Pacific Accreditation Cooperation Mutual Recognition Agreement
PASC	Pacific Area Standards Congress
PECC	Pacific Economic Cooperation Council
REACH	Registration, Evaluation, Authorization of Chemicals
RMAL	Regional Movement Alert List
ROSC	Reports on the Observance of Standards and Codes
RTAs	Regional Trading Arrangements
SCCP	Sub-Committee on Customs Procedures
SCSC	Sub-Committee on Standards and Conformance

SELI	Strengthening Economic Legal Infrastructure
SMEs	Small and Medium Enterprises
SOM	Senior Officials' Meeting
SPS	Agreement on the Application of Sanitary and Phytosanitary Measures
SRB	Specialist Regional Bodies
STAR	Secure Trade in the APEC Region
TBT	Agreement on Technical Barriers to Trade
TDB	APEC Tariff Database
TEL	Telecommunications and Information Working Group
TFAP	Trade Facilitation Action Plan
TFP	Trade Facilitation Principles
TILF	Trade and investment Liberalization Fund
TOR	Terms of Reference
TPD	Trade Policy Dialogues
TPTWG	Transportation Working Group
TRIPS	Agreement on Trade-related Aspects of Intellectual Property
TWG	Tourism Working Group
UN/EDIFACT	United Nations Rules for Electronic Data Interchange for Administration, Commerce and Transport
UNCTAD	United Nations Conference on Trade and Development
WCO	World Customs Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization
WTOBG	WTO Capacity Building Group



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