

APPENDIX A
SURVEY QUESTIONS & RESULTS

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Report on the 8th Conference on Good Regulatory Practices Survey Results **(Conducted from 1 April 2015 to 31 July 2015)**

Background

In the 2013 APEC Ministerial Declaration on Advancing Regulatory Convergence and Cooperation, Ministers instructed officials to continue carrying out related capacity-building and information sharing activities on voluntary basis so as to create a high-quality regulatory environment, and advance regulatory coherence and cooperation, taking into account different economies' circumstances. Officials are further instructed to report on progress made in undertaking this goal in 2014 and 2015 and update the 2013 "Baseline Study of Good Regulatory Practices in APEC Member Economies" by SOM 3 2015.

The project is a follow-up action of the 2013 APEC Economic Leaders' Declaration in Bali, Indonesia, 08 October 2013 to "take specific actions to develop, use or strengthen the implementation of the three Good Regulatory Practices identified in 2011, and note three optional tools used by some economies to help achieve this goal including 1) single online locations for regulatory information; 2) prospective regulatory planning; and 3) periodic reviews of existing regulation."

Objective of the Project

The objective of the project is to further reinforce and strengthen understanding of the elements of good regulatory practices (GRP) and the specific actions that economies have or are taking to implement actions identified by APEC Leaders in 2013.

The project will advance good regulatory practices that are being implemented by APEC Member Economies and share experiences on the optional tools identified in implementing GRP such as 1) single online locations for regulatory information; 2) prospective regulatory planning; and 3) periodic reviews of existing regulation, particularly looking at how these tools reinforce the three (3) GRPs identified in 2011. It builds on the GRP work in the Committee on Trade and Investment, the Subcommittee on Standards and Conformance and the Economic Committee.

The project is targeted to be implemented through a two (2) day conference during the SCSC 2 meeting at the margins of SOM 3 at Cebu City, Philippines.

Methodology

Preliminary

The collection of the necessary information involving the three (3) optional tools used by some economies to help achieve this goal, namely, 1) single online locations for regulatory information; 2) prospective regulatory planning; and 3) periodic reviews of existing regulation, are completed using the survey method.

The survey questions were drafted over a one (1) month period, during which various revisions and additions were made in order to make a questionnaire that will successfully elicit answers and data directly related to the three (3) optional tools. A copy of the final questionnaire is attached as Annex "A" for reference.

This questionnaire was further revised and condensed to be easily accessible and understandable in an online survey form, which included variations in presentation of questions and the choices provided as answers.

The final 8th GRP Survey Questionnaire was disseminated online to the respective representatives of the subject economies in electronic form, through the Internet, via the website www.surveymonkey.com.¹ Screenshots of these survey forms are attached as Annexes “B” and “C” for reference.

Typically, the survey was divided into two (2), portions, namely, Part 1, focusing on “Good Regulatory Practices,” and Part 2, focusing on “Capacity Building.” However, the online survey form itself was divided into three (3) portions, namely, “Basic Information” on Page 1 of Part 1, “Good Regulatory Practices” on Page 2 of Part 1, and “Capacity Building” on Page 1 of Part 2.

Part 1 of the 8th GRP Survey Questionnaire can be found at this link, <https://www.surveymonkey.com/s/32XTP3H>.

Part 2 of the 8th GRP Survey Questionnaire can be found at this link, <https://www.surveymonkey.com/s/YJ5NKP9>.

An overview of these portions will be provided in turn.

Basic Information

The Basic Information portion is composed of two (2) main questions, namely, “Basic Information” and “Type of Organization,” numbered 1 and 2, respectively. These questions were devised to provide a measure of integrity and accuracy to the survey results, as these will determine if the respondent in a particular survey result can be verified through the member-economy indicated, and will also determine if the government agency or instrumentality to which the respondent is attached is directly involved with a member-economy’s activities and projects relating to good regulatory practices and capacity building.

Under the Basic Information question, the following sub-questions were introduced: a) Name, b) Position, c) Contact Information (Office/Address/E-mail), and d) Economy. Answers to these sub-questions are required before a particular respondent can proceed to answering the more substantive portions of the survey.

Under the Type of Organization question, the following answers are provided as options, with the possibility of choosing more than one (1) answer out of the four options (4) provided, namely: a) Standards body, b) Accreditation body, c) Regulatory body, and d) Policy body. A fifth option is provided, thus: “If others, please specify,” with the option of providing a written answer or description of the type of organization to which the respondent is connected to. This was done to ensure that the answers are not necessarily limited to the options provided, especially if the organization in question functions in more than one capacity, or covers a category not subsumed by the first (4) categories.

¹ Survey Monkey, available at <http://www.surveymonkey.com>.

Good Regulatory Practices

The Good Regulatory Practices portion is composed of six (6) main questions, numbered from 3 to 8. These six (6) questions are answerable by either “Yes” or “No,” or are answerable by one (1) of four (4) options which are combinations of “Yes” and “No.” All of these six (6) questions provide an “Answer Box” for an elaboration of a positive answer “Yes” to further extract information or data that would provide context to a respondent’s answer concerning the member-economy to which he or she is connected. All negative answers, as indicated by the answer “No,” are taken to mean the absence of the matter subject of the inquiry.

Question no. 3 focuses on the existence of a central body tasked with the oversight of regulations. If in the affirmative, the question elicits information as to the title of or online access to the law authorizing such entity.

Question no. 4 focuses on the existence of a a voluntary mechanism for regulatory reform. If in the affirmative, the question elicits information as to online access to information on the same.

Question no. 5 focuses on the review of existing regulations. If in the affirmative, the question elicits information as to the conduct of such review by the member-economy’s government.

Question no. 6 covers two (2) interrelated matters: a) regulatory impact assessments in general prior to legislation, and b) regulatory impact assessments in general on already existing legislation. If in the affirmative, the question elicits general information on the conduct of such regulatory impact assessments.

Question no. 7 covers two (2) interrelated matters: a) regulatory impact assessments on trade regulations to be drafted, and b) regulatory impact assessments on already existing trade regulations. If in the affirmative, the question elicits general information on the conduct of such regulatory impact assessments.

Question no. 8 covers two (2) interrelated matters: a) a single online location or web database containing all relevant regulatory information, and b) public consultation online or through e-rulemaking programs. If in the affirmative, the question elicits information as to online access to such mechanisms.

Capacity Building

The Capacity Building portion is composed of eight (8) main questions, numbered from 1 to 8. These eight (8) questions are answerable by either “Yes” or “No,” or are answerable by one (1) of four (4) options which are combinations of “Yes” and “No.” All of these eight (8) questions provide an “Answer Box” for an elaboration of a positive answer “Yes” to further extract information or data that would provide context to a respondent’s answer concerning the member-economy to which he or she is connected. All negative answers, as indicated by the answer “No,” are taken to mean the absence of the matter subject of the inquiry.

Question no. 1 focuses on the implementation of capacity building activities.

If the answer to Question No. 1 is affirmative, Question no. 2 focuses on the inclusion of training in these capacity building activities. If in the affirmative, the question elicits general information as to these capacity building activities.

If the answer to Question No. 1 is negative, Question no. 3 focuses on the proposal of alternative capacity building activities. If in the affirmative, the question elicits general information as to these proposed capacity building activities.

Question no. 4 focuses on the system for evaluating the effectiveness of these capacity building activities. If in the affirmative, the question elicits general information as to this system of evaluation.

Question no. 5 was an unintentional duplication of Question No. 4.

Question no. 6 reiterates the question identifying the member-economy in question. It focuses on how the system of evaluation translates to improving capacity building activities in the member-economy in question. The question elicits general information as to this transition.

Question no. 7 focuses on the assessment of two interrelated matters: whether public consultations or hearings were held to assess a) the impact of trade regulations to be drafted, and b) already existing trade regulations. If in the affirmative, the question elicits general information as to the conduct of these public consultations or hearings.

Question no. 8 focuses on the existence of two interrelated matters: a) a single online location or web database containing all relevant regulatory information and b) mechanisms for conducting public consultation online or through e-rulemaking programs. If in the affirmative, the question elicits information as to online access to such databases and mechanisms.

Integrity of Survey Results

The 8th GRP Survey Questionnaire, being divided into two (2) parts, are paired by a) matching the indicated economies in the Basic Information portion in Part 1 and Question no. 6 in Part 2 and b) the Internet Protocol (IP) address indicated in the survey results submitted. In addition, these results are verified with the member-economy in question, to ensure that the member-economies adopt the said survey results as representative of the policies and mechanisms in place in their own economies.

Incomplete survey results, in case of mistake or other situations where inaccuracy was apparent as to the attribution of a particular survey results to a member-economy, are disregarded for the purposes of compiling and tabulating the results of the 8th GRP Survey Questionnaire.

Also, for the purposes of this Report, the results of Part 1 and Part 2 are presented separately and considered distinct from each other. Any difference in the number of answers between Part 1 and Part 2 are not deemed to affect the results of each individual survey results.

In the event that more than one (1) survey questionnaire was submitted by a particular member-economy in the course of the dissemination of the 8th GRP Survey Questionnaire, the member-economy in question will decide what survey results to adopt or to combine the answers at their own discretion. The final survey results

Participating Economies and Respondents

Nineteen (19) member-economies participated and submitted answers to the 8th GRP Survey Questionnaire over a five (5) month period from when the Survey Questionnaire was released. The five (5) month period also included the verification of these survey results, as well as the revision of answers or submission of new answers by these member-economies.

These nineteen (19) participating member-economies are, in alphabetical order:

- 1) **Australia** (8th GRP Survey Questionnaire Answers attached as Annex “D”);
- 2) **Brunei Darussalam** (8th GRP Survey Questionnaire Answers attached as Annex “E”);
- 3) **Canada** (8th GRP Survey Questionnaire Answers attached as Annex “F”);
- 4) **Chile** (8th GRP Survey Questionnaire Answers attached as Annex “G”);
- 5) **Chinese Taipei** (8th GRP Survey Questionnaire Answers attached as Annex “H”);
- 6) **Hong Kong, China** (8th GRP Survey Questionnaire Answers attached as Annex “I”);
- 7) **Indonesia** (8th GRP Survey Questionnaire Answers attached as Annex “J”);
- 8) **Japan** (8th GRP Survey Questionnaire Answers attached as Annex “K”);
- 9) **Korea** (8th GRP Survey Questionnaire Answers attached as Annex “L”);
- 10) **Malaysia** (8th GRP Survey Questionnaire Answers attached as Annex “M”);
- 11) **Mexico** (8th GRP Survey Questionnaire Answers attached as Annex “N”);
- 12) **New Zealand** (8th GRP Survey Questionnaire Answers attached as Annex “O”);
- 13) **Papua New Guinea** (8th GRP Survey Questionnaire Answers attached as Annex “P”);
- 14) **Peru** (8th GRP Survey Questionnaire Answers attached as Annex “Q”);
- 15) **The Philippines** (8th GRP Survey Questionnaire Answers attached as Annex “R”);
- 16) **Singapore** (8th GRP Survey Questionnaire Answers attached as Annex “S”);
- 17) **Thailand** (8th GRP Survey Questionnaire Answers attached as Annex “T”);
- 18) **United States** (8th GRP Survey Questionnaire Answers attached as Annex “U”);
and
- 19) **Viet Nam** (8th GRP Survey Questionnaire Answers attached as Annex “V”).

The respondent for Australia is Nicole Henry.²

The respondent for Brunei Darussalam is Dr. Anie H Abdul-Rahman.³

The respondent for Canada is Bhavik Thakkar.⁴

The respondent for Chile is Jose Manuel Campos Abad.⁵

The respondent for Chinese Taipei is Wen-Chia Ho.⁶

The respondent for Hong Kong, China is Monita Wong.⁷

² Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

³ Brunei Darussalam, Responses to the 8th GRP Survey Questionnaire (Annex “E”).

⁴ Canada, Responses to the 8th GRP Survey Questionnaire (Annex “F”).

⁵ Chile, Responses to the 8th GRP Survey Questionnaire (Annex “G”).

⁶ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

⁷ Hong Kong, China, Responses to the 8th GRP Survey Questionnaire (Annex “I”).

The respondent for Indonesia is Erniningsih Haryadi.⁸

The respondent for Japan is the Ministry of Foreign Affairs.⁹

The respondent for Korea is Donggeun.¹⁰

The respondent for Malaysia is Megat Akbarruddin Megat Ismail.¹¹

The respondent for Mexico is Jesus Lucatero Diaz.¹²

The respondent for New Zealand is Mark Holden.¹³

The respondent for Papua New Guinea is Marie Eorage.¹⁴

The respondent for Peru is Rocío Barreda.¹⁵

The respondent for the Philippines is Carlos Bernardo O. Abad Santos.¹⁶

The respondent for Singapore is Benjamin Tan.¹⁷

The respondent for Thailand is Suthathip Sukhsen.¹⁸

The respondent for the United States is Alex Hunt.¹⁹

The respondent for Viet Nam is Nguyen Van Khoi.²⁰

Presentation of Survey Results

The results per question from the “Good Regulatory Practices” portion and the “Capacity Building” portion will be presented in both textual, numerical, and graphic forms.

The textual presentation shall textually summarize the results per question, as well as analyze the additional answers given by the member-economies in response to a “Yes” answer. In some cases, particular answers shall be highlighted, especially those that are indicative of the response sought by the question.

The numerical presentation will merely summarize the results in numerical form, in the form of percentages.

⁸ Indonesia, Responses to the 8th GRP Survey Questionnaire (Annex “J”).

⁹ Japan, Responses to the 8th GRP Survey Questionnaire (Annex “K”).

¹⁰ Korea, Responses to the 8th GRP Survey Questionnaire (Annex “L”).

¹¹ Malaysia, Responses to the 8th GRP Survey Questionnaire (Annex “M”).

¹² Mexico, Responses to the 8th GRP Survey Questionnaire (Annex “N”).

¹³ New Zealand, Responses to the 8th GRP Survey Questionnaire (Annex “O”).

¹⁴ Papua New Guinea, Responses to the 8th GRP Survey Questionnaire (Annex “P”).

¹⁵ Peru, Responses to the 8th GRP Survey Questionnaire (Annex “Q”).

¹⁶ The Philippines, Responses to the 8th GRP Survey Questionnaire (Annex “R”).

¹⁷ Singapore, Responses to the 8th GRP Survey Questionnaire (Annex “S”).

¹⁸ Thailand, Responses to the 8th GRP Survey Questionnaire (Annex “T”).

¹⁹ USA, Responses to the 8th GRP Survey Questionnaire (Annex “U”).

²⁰ Viet Nam, Responses to the 8th GRP Survey Questionnaire (Annex “V”).

The graphic representation will utilize graphs and charts to visualize the numerical presentation of the results.

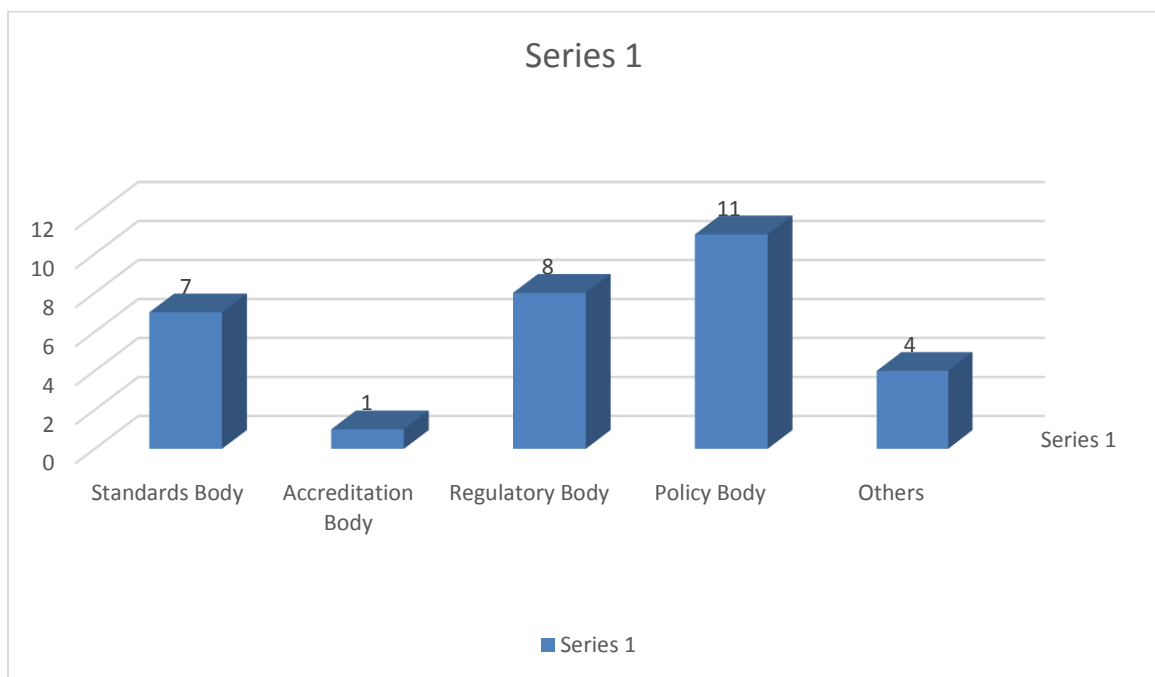
Basic Information

Type of Organization

As to the type of organization, it must be taken into consideration that answers are not mutually exclusive, and the bodies enumerated, namely: “Standards body,” “Accreditation body,” “Regulatory body,” “Policy body,” can be chosen in combination with each other. However, as to the “Others” option, it is deemed to be distinct from the enumerated categories.

Given the abovementioned method, the results of this question are as follows: seven (7) respondents identified their organization as a “Standards body,” only one (1) respondent identified his or her organization as an “Accreditation body,” eight (8) respondents identified their organization as a “Regulatory body,” and eleven (11) respondents identified their organization as a “Policy body.”

Easily, the results indicate that the highest number of respondents identify their organization as a “Regulatory body.”



Some of the answers specified were: SPRING Singapore (statutory board/national standards and accreditation body), Chilean institutions with competence on regulatory policy, the Australian Government – Office of Best Practice Regulation, and the Malaysian Agency under the Ministry of International Trade and Industry.

Good Regulatory Practices

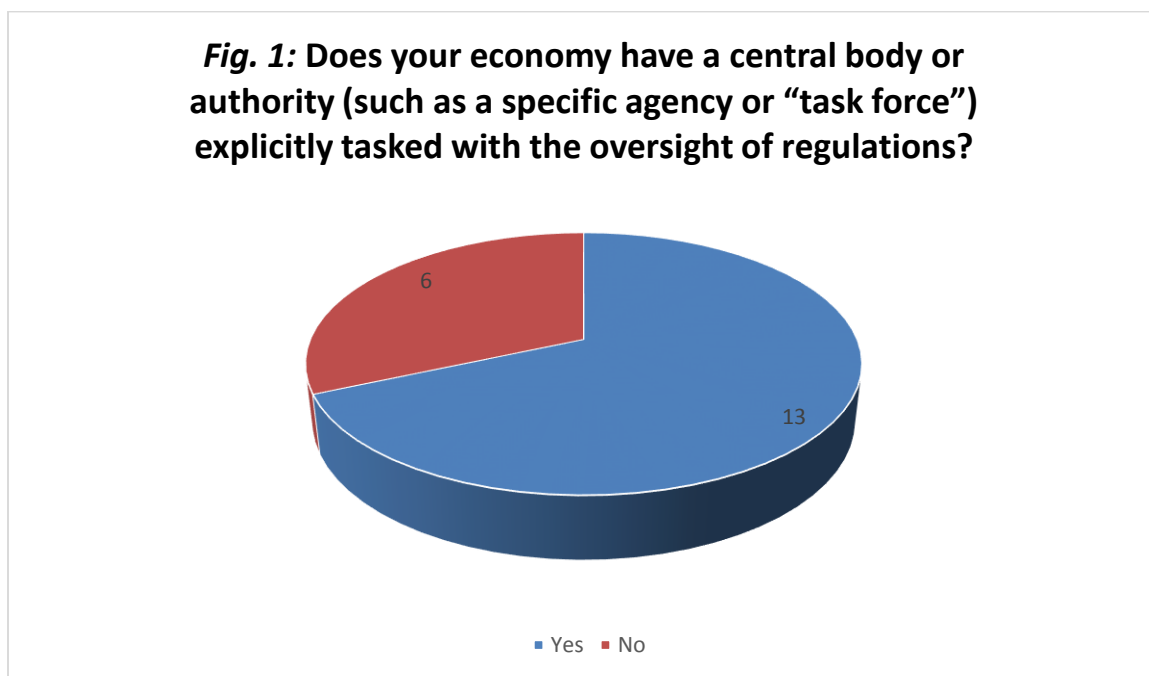
Question no. 3

Question no. 3 reads, thus: “Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?” The same is answerable with “Yes” or “No.”

Specifically, thirteen (13) of the member-economies have a central body or authority explicitly tasked with the oversight of regulations, but six (6) do not.

Sixty-eight percent (68%) of the respondents answered “Yes” while thirty-two percent (32%) answered “No.”

The distribution of the answers between the two (2) choices can be seen in the graphic below:



In response to the follow-up question, twelve (12) respondents provided the name of the agency in question in the member-economy, while three (3) provided an Internet link to the same. Three (3) elaborated on the interactions and functions of the agencies named, while one (1) elaborated on the potential creation of such agency.

First is the response from Australia, which stated that the “Office of Best Practice Regulation is tasked with oversight of the Australian Government’s regulatory impact analysis and in monitoring and reporting on their performance.”²¹ Further, “[t]he Office of Deregulation is tasked with overseeing and facilitating the delivery of the Australian Government’s deregulation agenda and red tape reduction program. Oversight of regulation is also conducted by parliamentary committees including the Senate Standing Committee on Regulations and

²¹ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

Ordinances; and the Senate Standing Committee on Scrutiny of Bills. Sectoral based oversight bodies also exist for example the Australian Prudential Regulation Authority for the finance sector; and the Australian Competition and Consumer Commission for monitoring anti-competitive behaviour.”²²

Second is Canada’s response, which bears some resemblances to the model that Australia currently has. It did not only gave the name of the main agencies involved (Treasury Board of Canada Secretariat and the Privy Council of Canada), but also elaborated on the interplay of “multiple agencies and authorities.”²³ Specifically, in Canada, “[t]here are also area specific regulatory bodies such as Health Canada (e.g. food safety standards and drug regulations) and Canadian Food Inspection Agency (e.g. food safety compliance regulations). There are also number of bodies at provincial (state level).”²⁴

Third is the response from New Zealand, explaining that “[t]he Treasury is responsible for managing and monitoring the regulatory management system. We report to both the Minister of Finance and the Minister for Regulatory Reform who share the ministerial responsibility for the regulatory reform portfolio. Our system role is complemented by the Ministry of Business Innovation and Employment’s focus on the impact of regulation on firms.”²⁵

Also of note is the Philippines’ response, which, despite its absence of this oversight body, indicated that creation of such body is “in the pipeline,”²⁶ specifically: “either the Office of the President (OP) or the National Economic and Development Authority (NEDA) could house the proposed Office of Regulatory Impact Assessment (ORIA) as both satisfy the requisite requirements for setting up an ORIA.”²⁷

Question no. 4

Question no. 4 reads, thus: “Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?” The same is answerable with “Yes” or “No.”

Notably, the results for Question no. 4 are identical with Question No. 3. Specifically, thirteen (13) of the member-economies have a voluntary mechanism for regulatory reform, but six (6) do not.

Sixty-eight percent (68%) of the respondents answered “Yes” while thirty-two percent (32%) answered “No.”

The distribution of the answers between the two (2) choices can be seen in the graphic below:

²² *Id.*

²³ Canada, Responses to the 8th GRP Survey Questionnaire (Annex “F”).

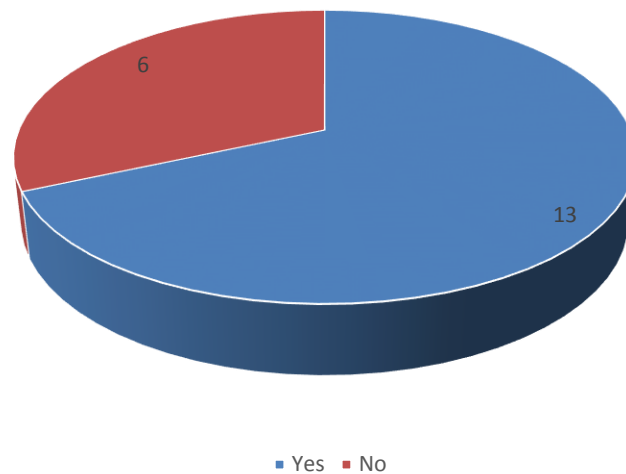
²⁴ *Id.*

²⁵ New Zealand, Responses to the 8th GRP Survey Questionnaire (Annex “O”).

²⁶ Philippines, Responses to the 8th GRP Survey Questionnaire (Annex “R”).

²⁷ *Id.*

Fig. 2: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?



In response to the follow-up question, four (4) respondents generally described the mechanism in the member-economy, while nine (9) provided an Internet link to the same. Four (4) respondents elaborated on these voluntary mechanisms.

Australia highlighted the “voluntary” aspect of their national model, stating that the government “does not mandate the use of formal annual regulatory plans, but does conduct regulatory reform through individual ministries within the broader regulatory policy framework. Proposed regulatory reforms are typically publicised and tested with the Australian public through a number of mechanisms including: election commitments; government announcements; RIA; green papers/white papers; thematic reviews by the Productivity Commission or other appointed review bodies; and ad hoc thematic consultation processes (e.g. ministry websites).”²⁸

Chinese Taipei elaborated, thus:

- 1) Regulatory Plan: Executive agencies submit major bills of a time-sensitive and urgent nature to the Legislature to request priority in deliberation and passage prior to the beginning of each of the two legislative sessions each year. The names of bills currently under examination and list of bills sent by the Cabinet to the Legislature for deliberation can be searched on the Cabinet website.
- 2) Other voluntary mechanism for regulatory reform: Chinese Taipei’s Internet industry is developing rapidly, however, the existing legal framework is based on traditional industry thinking models. Therefore there is a need to review and adjust current regulations. As a result, the “Regulatory Adjustment Plan for Virtual World Development Program” was formulated and approved by the Cabinet in December, 2014. The relevant Ministry conducts regulator reviews of existing laws and regulations and submit regulatory plans.²⁹

²⁸ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

²⁹ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

Japan went into detail as to the particular steps of this voluntary mechanism for regulatory reform, thus:

Following Prime Minister’s consultation, “Council for Regulatory Reform” comprehensively investigates and discusses the fundamental issues about reforms of regulations necessary for driving economic and social structural reform. The council submits “Report on Regulatory Reform” to Prime Minister every year. Based on the Report, “Implementation Plan for Regulatory Reform” is decided by the Cabinet, which is aimed at immediately starting and steadily achieving reforms of regulations, systems and their applications.³⁰

In the alternative, Chile states that it has a model that is implemented on an agency level, as opposed to a national level, thus: [c]urrently there is not a single mechanism for regulatory reform since each regulatory agency applies their own procedures to develop regulatory reforms. Annual regulatory plan is not implemented yet in Chile.³¹ This is similar to the model adopted by Australia, as cited earlier.

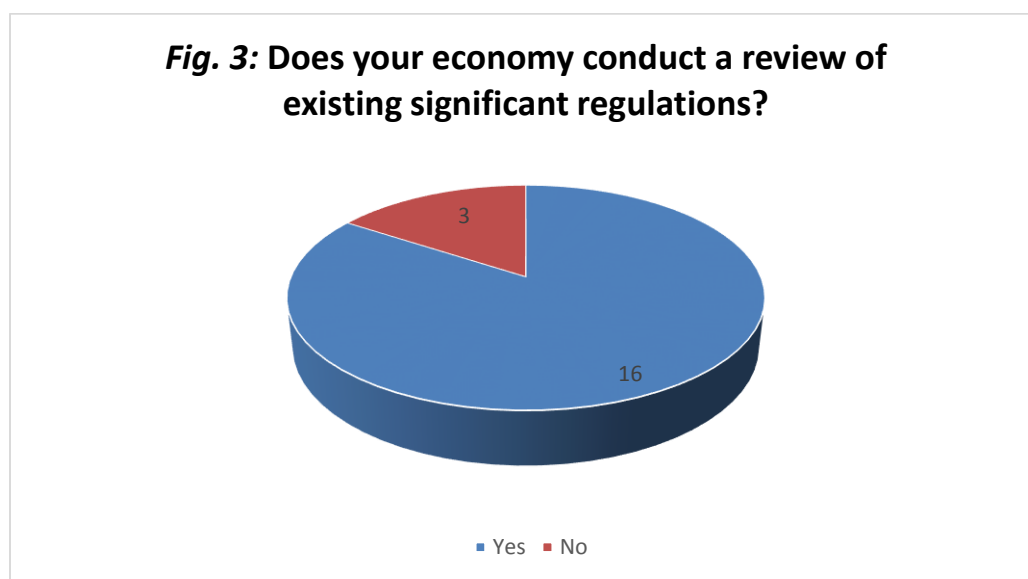
Question no. 5

Question no. 5 reads, thus: “Does your economy conduct a review of existing significant regulations?” The same is answerable with “Yes” or “No.”

Specifically, sixteen (16) of the member-economies have a central body or authority explicitly tasked with the oversight of regulations, but three (3) do not.

Eighty-four percent (84%) of the respondents answered “Yes” while sixteen percent (16%) answered “No.”

The distribution of the answers between the two (2) choices can be seen in the graphic below:



³⁰ Japan, Responses to the 8th GRP Survey Questionnaire (Annex “K”).

³¹ Chile, Responses to the 8th GRP Survey Questionnaire (Annex “G”).

Eight (8) of the respondents who answered “Yes” also provided further explanations of the systems in place in their member-economies. The instructive examples are laid out below.

Canada elaborated on the government’s undertaking with respect to its review of existing significant regulations and provided a practical example:

The Cabinet Directive on Regulatory Management requires review of existing regulations. Example: Under the "One-for-One" Rule, departments and agencies are responsible for:

1) Controlling the number of regulations by repealing at least one existing regulation every time a new one that imposes an administrative burden (i.e., red tape) on business is introduced; and Restricting the growth of administrative burden by ensuring that new administrative burden on business caused by a regulatory change ("IN") is offset by an equal decrease in administrative burden on business from the existing stock of regulations ("OUT").

2) Departments and agencies must review existing regulations in order to identify outdated, burdensome regulations that can be reformed or removed to offset increases in administrative burden on business arising from regulatory changes.³²

Hong Kong, China, has its own system, which is explained thus:

The business facilitation and regulatory review program under the leadership of the Financial Secretary coordinates the efforts of all government bureaux and departments (B/Ds), using several specialized bodies. The Business Facilitation Advisory Committee (BFAC) advises on the priority for conducting regulatory reviews of selected sectors and sets up dedicated sector-specific task forces to carry out the reviews. The task forces usually invite the relevant industry stakeholders to take part in the reviews. The BFAC advises and reports to the Financial Secretary on the development and implementation of programs and measures to facilitate business compliance with Government regulations. This serves as a channel for the senior management of the HKSARG to monitor regulatory reform progress.³³

New Zealand goes into detail with respect to their national mechanism for this review, particularly the mandate on these departments:

Departments are required to put in place systems for on-going scanning of their existing regulation to identify unnecessary, ineffective or excessively costly regulation. Initially, scanning work focused on documenting departments’ approaches to regulatory scanning, identifying the existing stock of regulation administered by each department, and undertaking a high-level scan of all regulation. In the three years it has been in place, scanning has increased departments awareness of the volume and cumulative effects of regulation. Departments are also using scanning to identify opportunities for regulatory improvement, review and revocation. The Treasury has avoided tools that only

³² Canada, Responses to the 8th GRP Survey Questionnaire (Annex “F”).

³³ Hong Kong, China, Responses to the 8th GRP Survey Questionnaire (Annex “I”).

focus only on the costs of regulation (such as deregulation programs or sunset clauses), instead encouraging agencies to take responsibility for their regulatory regimes and undertake periodic reviews in collaboration with central agencies and stakeholders. These reviews have been tailored to the relevant regimes, the regulatory objectives, and expectations of stakeholders. High-profile reviews that have the potential to significantly affect economic activity are subject to more oversight by central agencies and by Ministers. The Regulatory Review Programme includes the Government's most significant regulatory reviews and is one of the measures that ensures the stock of regulation is regularly reviewed. To date, seventeen reviews have been completed and six are currently on the programme. The reviews are monitored by the Economic Growth and Infrastructure Cabinet Committee.³⁴

The United States pinpoints the basis for such review, and the agencies involved: "Executive Orders 13563 and 13610 direct US Agencies to retrospectively analyze existing regulations that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with lessons learned. Such retrospective analyses are made publicly available on a bi-annual basis in an effort to promote an open exchange with regulatory stakeholders."³⁵

Thailand's "Law Reform Commissioners" are mandated to do the following:

1. Conduct scholarly surveys, research and analysis and provide research support to contribute to the formulation of policy, goals, plans and measures to implement the provision of (2)
2. Revise and develop national law, making them consistent with the Constitution through the process that ensuring public participation.
3. Propose or provide advice to the Cabinet on the enactment plan or amendment of legislation, by providing an overview of any proposed law or group of related laws.
4. Prepare annual reports on the results of LRC activities for submission to the cabinet and Parliament, and for dissemination to general public with ensuring ready access to the information contained therein.³⁶

Indonesia indicated the time period for the review of these regulations, stating that normally, the regulation based on SNI will be reviewed per 5 years. But the regulation can also be revised if there are some policy changes that set by regulators. One of the examples is if the standard parameters are amended/revised."³⁷ Viet Nam likewise provided a period for the review of their technical regulations, which are screened every five (5) years.³⁸ Thailand also conducts such review of existing compulsory standards every five (5) years.³⁹

In contrast, Chinese Taipei "annually reviews the suggestions made by domestic industrial and commercial organizations and foreign chambers of commerce, and arranges meetings of government agencies and private sector stakeholders on areas involving a broad

³⁴ New Zealand, Responses to the 8th GRP Survey Questionnaire (Annex "O").

³⁵ USA, Responses to the 8th GRP Survey Questionnaire (Annex "U").

³⁶ Thailand, Responses to the 8th GRP Survey Questionnaire (Annex "T").

³⁷ Indonesia, Responses to the 8th GRP Survey Questionnaire (Annex "J").

³⁸ Viet Nam, Responses to the 8th GRP Survey Questionnaire (Annex "V").

³⁹ Thailand, Responses to the 8th GRP Survey Questionnaire (Annex "T").

range of industries or of particular importance to business associations, issue by issue, so as to focus discussions on how to overcome barriers to the operations of international businesses.”⁴⁰

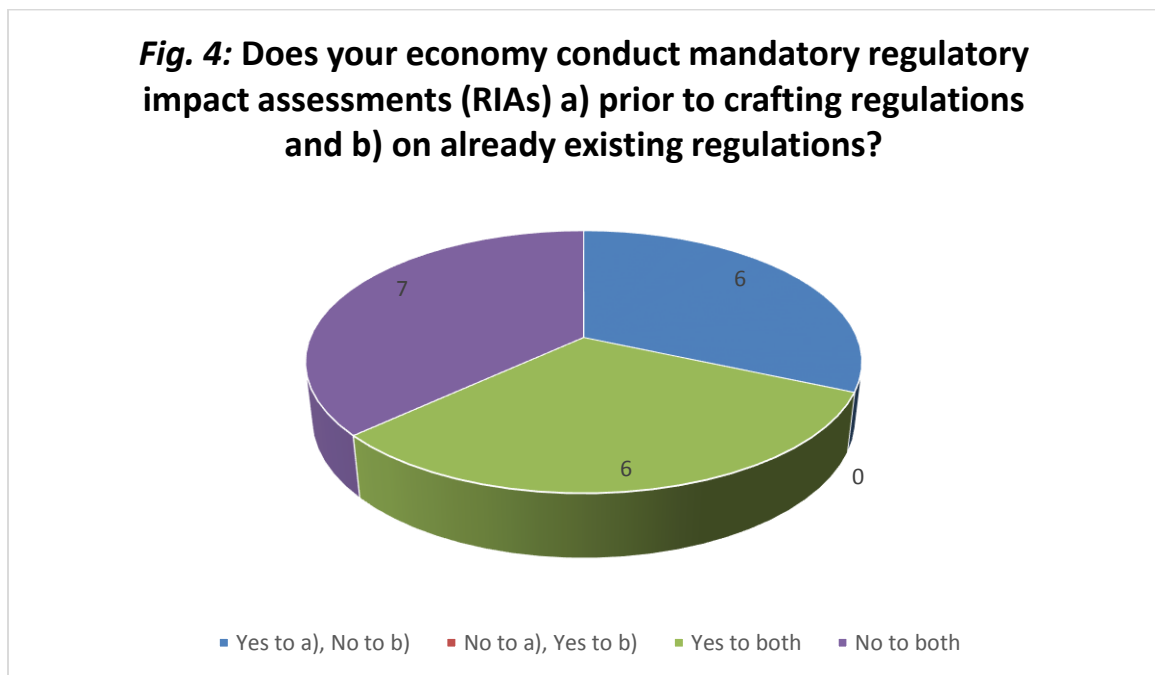
Question no. 6

Question no. 6 reads, thus: “Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?” The same is answerable with combinations of “Yes” or “No” answers, particularly: “Yes to a, No to b,” “No to a, Yes to b,” “Yes to both,” and “No to both.”

Specifically, six (6) of the member-economies mandate RIAs prior to crafting legislation but not for existing ones, six (6) mandate RIAs for both future legislation and existing ones, while seven (7) do not mandate RIAs at all.

Thirty-two percent (32%) of the respondents answered “Yes to a, No to b,” Thirty-two percent (32%) of the respondents answered “Yes to both,” while thirty-seven percent (37%) answered “No to both.”

The distribution of the answers between the four (4) choices can be seen in the graphic below:



The individual responses of economies answering “Yes to a, No to b” and “Yes to both” are juxtaposed below.

Canada, answering “Yes to a, No to b,” stated the following considerations in conducting RIAs prior to crafting legislation:

In consultation with the Regulatory Affairs Sector of the Treasury Board Secretariat, departments and agencies will assess the impact of regulatory

⁴⁰ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

proposals at an early stage to determine where approval processes can be streamlined and where resources should be focused. ... Recognizing that regulatory impact analysis can be resource intensive, the Directive emphasizes the principle of proportionality—analysis should be focused where it is most needed. Therefore, at the earliest stages of regulatory design, departments and agencies must assess the regulatory proposal, in consultation with the Regulatory Affairs Sector of the Treasury Board Secretariat, to determine its overall expected impact (i.e., low, medium or high) and the particular analytical and other requirements to be met.⁴¹

Chinese Taipei, answering “Yes to a, No to b,” provided a systematic picture of how existing laws and draft laws interact as to the conduct of RIAs in their economy:

RIA is required by the Matters Requiring Attention in the Law Making Process of Central Government Agencies and the Matters Requiring Attention by Subsidiary Agencies of the Cabinet in Submitting Draft Laws for Review by the Cabinet.

1) When a law or regulation is made, amended, or repealed, related laws and regulations must also be reviewed, and amended or repealed correspondingly as to eliminate inconsistencies, redundancies, and contradictions of law.

2) Draft laws require a complete and thorough assessment of all facets of their impact (including costs, benefits, and human rights and gender impact; for bills involving tax expenditure and the assessments of tax expenditure are to be conducted pursuant to the Matters Requiring Attention in the Conduct of the Tax Expenditure Assessment Process).⁴²

Australia, answering “Yes to both,” highlighted the mandatory and uniform application of RIAs in their territory: “A regulation impact statement (RIS) detailing the RIA is mandatory for all cabinet submissions, as well as for policy proposals considered by decision-makers other than cabinet and which are likely to have a measurable impact on business, community organisations or individuals. This includes new regulations, amendments to existing regulations, and in some cases sunsetted regulations being remade. Similar processes are used at the state and territory level as well.”⁴³

New Zealand, answering “Yes to both,” likewise highlighted the mandatory nature of RIAs: Regulatory impact analysis is required prior to the development of new regulations and the amendment of existing regulations. Regulatory impact analysis is summarised in a regulatory impact statement. The expectations for regulatory impact analysis in New Zealand can be found in the Regulatory Impact Analysis Handbook (<http://www.treasury.govt.nz/publications/guidance/regulatory/impactanalysis>).⁴⁴

Lastly, Hong Kong, China, answering “Yes to a, No to b,” highlights the all-encompassing nature of their RIAs:

In Hong Kong, China (HKC), a full Regulatory Impact Assessment (RIA) study is often conducted for major policy proposals. The Government of Hong Kong

⁴¹ Canada, Responses to the 8th GRP Survey Questionnaire (Annex “F”).

⁴² Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

⁴³ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

⁴⁴ New Zealand, Responses to the 8th GRP Survey Questionnaire (Annex “O”).

Special Administrative Region (HKSARG) has issued internal guidelines to ensure that prior to formulating new policies and legislation, all B/Ds are required to assess the impacts of such policies and legislation on government finance, civil service, sustainable development, economy (covering trade, competition, jobs and business compliance cost), productivity, the environment, and human rights and should be submitted to the Executive Council for deliberation.⁴⁵

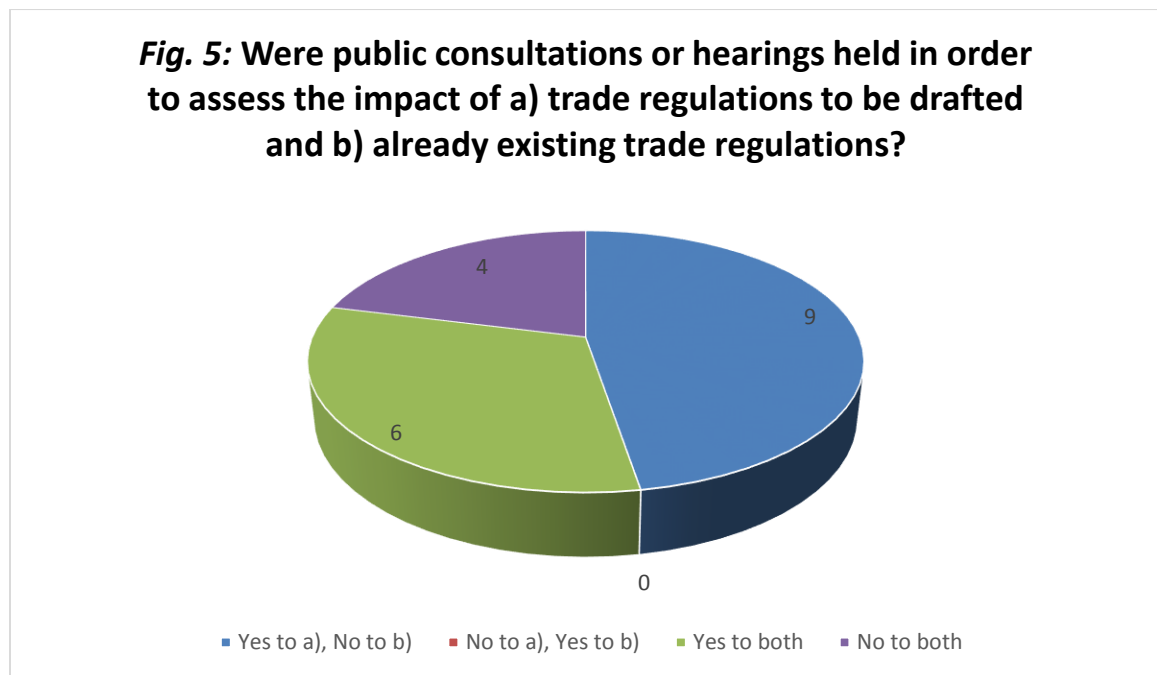
Question no. 7

Question no. 7 reads, thus: “Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?” The same is answerable with combinations of “Yes” or “No” answers, particularly: “Yes to a, No to b,” “No to a, Yes to b,” “Yes to both,” and “No to both.”

Specifically, nine (9) of the member-economies hold public consultations or hearings prior to drafting trade regulations but not for existing ones, six (6) mandate public consultations and hearings for both future trade regulations and existing ones, while four (4) do not mandate public consultations and hearings at all.

Fifty-six percent (56%) of the respondents answered “Yes to a, No to b,” Thirty-two percent (32%) of the respondents answered “Yes to both,” while twenty-one percent (21%) answered “No to both.”

The distribution of the answers between the four (4) choices can be seen in the graphic below:



In response to the follow-up question, detailed examples of general information as to the conduct of such public consultations or hearings are as follows:

⁴⁵ Hong Kong, China, Responses to the 8th GRP Survey Questionnaire (Annex “I”).

Canada, answering “Yes to a, No to b,” emphasized the institutionalized nature of such “public consultation” in the form of publication:

As the official newspaper of the Government of Canada published since 1841, the Canada Gazette is one of the vehicles that Canadians can use to access the laws and regulations that govern their daily lives. Government departments and agencies as well as stakeholders from the private sector are required by law to publish certain information in the Canada Gazette. ... The Canada Gazette serves as a consultative tool between the Government of Canada and Canadians. It gives Canadians the opportunity to provide their comments on the proposed regulations published in the Canada Gazette, Part I. For each of the proposed regulations listed, there is a contact name from the relevant department or agency and a closing date for comments. Anyone who may be affected by the proposed regulations can also request background information from the issuing department.⁴⁶

Japan answered “Yes to a, No to b,” with qualification: “As a part of “public consultation mechanism”, the Administrative Procedure Act (APA) requires “Organs Establishing Administrative Orders, etc.” to implement the Public Comment Procedure (PCP) when they establish “Administrative Orders, etc.” However, not all procedures are necessarily implemented based on this, because of the provision of exclusion from application, and existence of voluntary public comment procedures. (“Yes to a” is selected with the understanding that “seeking comments from the public” can be counted as a method of “assess the impact”).”⁴⁷

Australia, answering “Yes to both,” also qualified, however, that: “Subject to consideration by cabinet, or having a measurable impact on business, community organisations or individuals, the impact of new trade regulations, or amendments to existing regulations, must be informed by public consultation. Under section 8(2)(f) of the Freedom of Information Act 1982, Australian Government agencies are required to publish information about each public consultation they undertake in the course of developing a specific policy proposal.”⁴⁸

Chinese Taipei, answering “Yes to both,” stated that:

According to the Article 151 of the Administrative Procedure Act, the procedure set forth in this Act shall be followed by all administrative authorities in the establishment of legal orders, and the provisions with respect to the procedure for the establishment of legal orders shall apply mutatis mutandis to amendment to and repeal of legal orders and the cessation and resumption of the application thereof, unless it is otherwise provided for by law. ... On the basis of this Act, Taiwan’s government ensures that public opinion can have a role in the legislative process for any trade-related law.⁴⁹

New Zealand, answering “Yes to both,” underscored the policy behind these public consultations and enumerated the standards underpinning the same: “Consultation is an explicit policy of the Government and one of the key QA criteria. The New Zealand RIA Handbook states that undertaking consultation during the policy development process can result in better quality regulatory proposals that are more likely to achieve their objectives. Standards are set

⁴⁶ Canada, Responses to the 8th GRP Survey Questionnaire (Annex “F”).

⁴⁷ Japan, Responses to the 8th GRP Survey Questionnaire (Annex “K”).

⁴⁸ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

⁴⁹ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

for good consultation practices: • Continuous • Timely • Targeted • Appropriate and accessible • Transparent • Clear • Co-ordinated.”⁵⁰

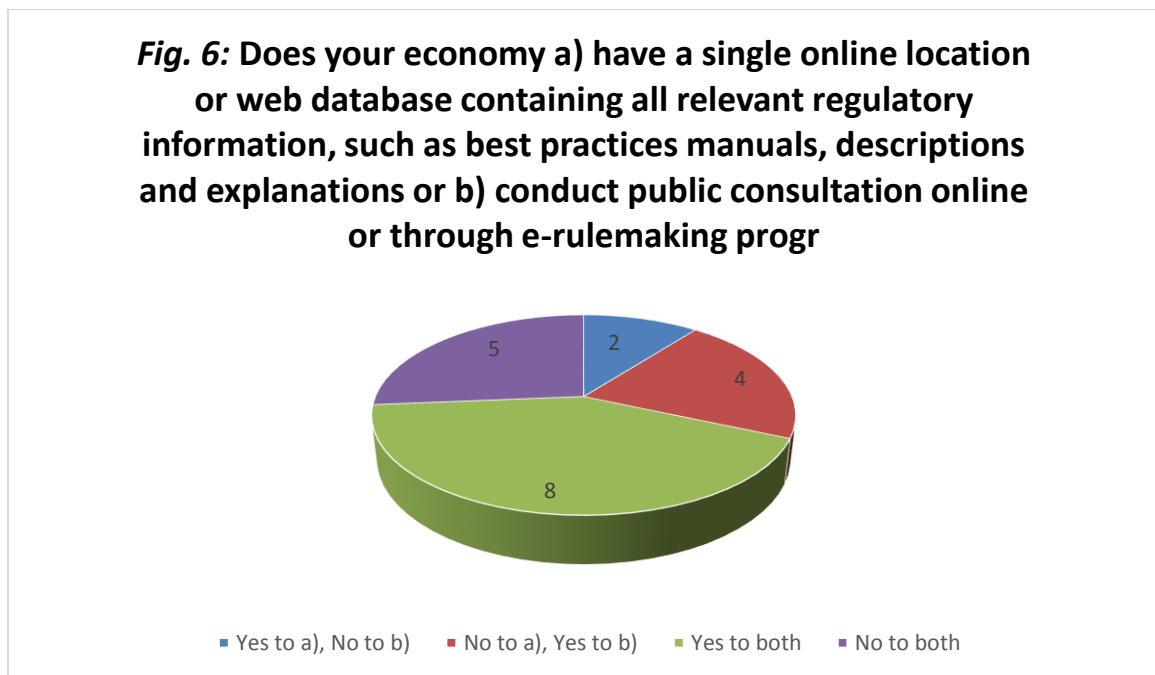
Question no. 8

Question no. 8 reads, thus: “Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?” The same is answerable with combinations of “Yes” or “No” answers, particularly: “Yes to a, No to b,” “No to a, Yes to b,” “Yes to both,” and “No to both.”

Specifically, two (2) of the member-economies have a single online location/web database but do not hold public consultation online or through e-rulemaking programs, four (4) do not have a single online location/web database but hold public consultation online or through e-rulemaking programs, eight (8) have a single online location/web database as well as hold public consultation online, while five (5) do not have a single online location/web database and do not hold public consultation online at all.

Ten percent (10%) of the respondents answered “Yes to a, No to b,” Twenty-one percent (21%) answered “No to a, Yes to b,” forty-two percent (42%) of the respondents answered “Yes to both,” while twenty-six percent (26%) answered “No to both.”

The distribution of the answers between the four (4) choices can be seen in the graphic below:



In response to the follow-up question,

Chinese Taipei, answering “Yes to both, gave the following comprehensive overview of its online mechanism for public consultation and e-rulemaking:

⁵⁰ New Zealand, Responses to the 8th GRP Survey Questionnaire (Annex “O”).

Chinese Taipei has set up the Laws & Regulations Database website (<http://law.moj.gov.tw/>) where government agencies can announce draft legislation, as well as providing online channels for anyone to express their views. On February 10, 2015, it also launched the Public Participation Platform (<http://join.gov.tw/>) with the goals of promoting public participation in policy proposals, policy discussion, and policy implementation. It will provide online participation activities, including commenting by anyone on policy issues, following up on policy implementation at any time, and expressing views by anyone to central government ministers; in addition, the website will be open for citizens to submit proposals on their own initiative by the end of June, in order to harness the collective wisdom of the public to improve governance capabilities.⁵¹

Hong Kong, China, answering “No to a, Yes to b,” elaborated on such method of online public consultation and their use of technology for the same, thus:

The Government has issued a General Circular to set out the policy and principles of public consultation and the importance of keeping the public informed of the results of consultation as general guidelines for all B/Ds. Generally, consultation papers are made available on the websites of relevant bureaux, departments or regulatory authorities, and are usually accompanied by press releases to inform the public. A business consultation e-platform (<http://www.gov.hk/en/theme/bf/consultation/intro.htm>) has been established under the GovHK portal to provide an additional channel for the business community to access relevant business consultation information on proposed new regulations, administrative measures and procedures that would impact on business and to provide their comments on the proposals directly to the B/Ds concerned. Its mobile apps are also available for free download from the iPhone App Store and Google Play by searching for “eabfu”.⁵²

Australia, also answering “No to a, Yes to b,” elaborated that the “Australian Government departments and agencies conduct public consultation using a range of mechanisms to suit the particular circumstances of the proposal and the key stakeholders impacted. Consultation is undertaken by the individual agencies. Most if not all agencies would have an online presence and/or process to engage with stakeholders.”⁵³

New Zealand, answering “Yes to a, No to b” on the other hand, indicated that a single web database is expected to be launched within the year, but after the respondent answered this survey, thus:

A single website containing all relevant regulatory information for policy makers, regulators, and the general public is anticipated to be launched by July 2015. Although New Zealand does not operate a single online portal for public consultation, most consultation is conducted online. Consultation documents are generally available online and submissions may be submitted electronically.⁵⁴

⁵¹ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

⁵² Hong Kong, China, Responses to the 8th GRP Survey Questionnaire (Annex “I”).

⁵³ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

⁵⁴ New Zealand, Responses to the 8th GRP Survey Questionnaire (Annex “O”).

Capacity Building

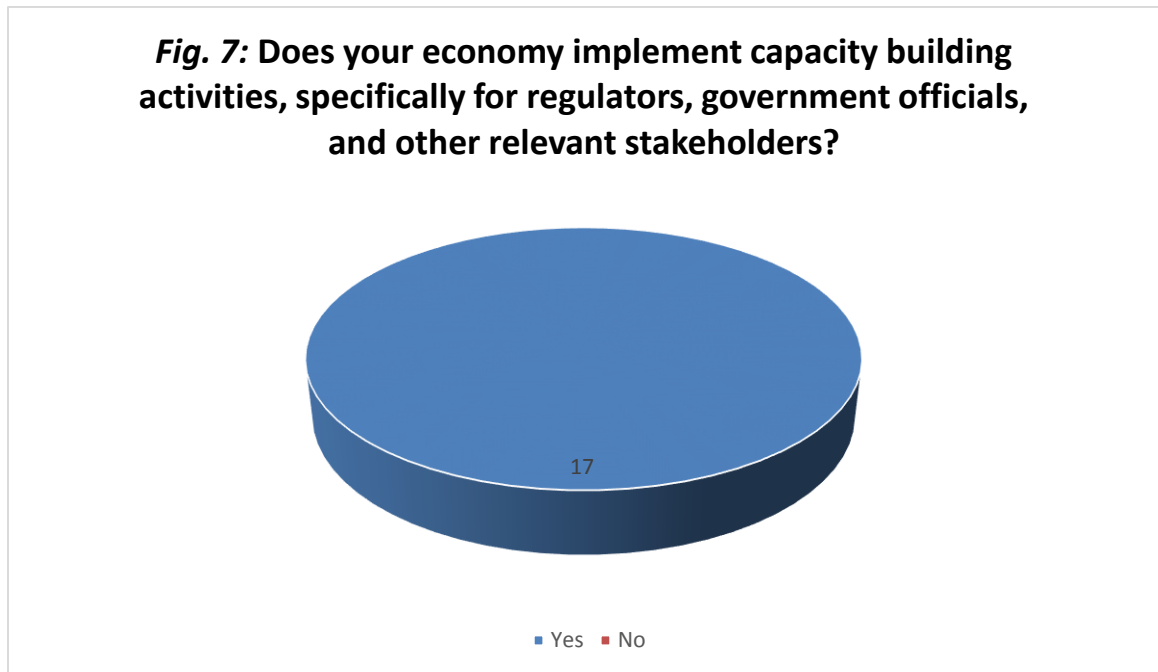
Question no. 1

Question no. 1 reads, thus: “Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?” The same is answerable with “Yes” or “No.”

Specifically, seventeen (17) of the member-economies implement capacity building activities in whatever capacity. Two (2) of the member-economies were not able to submit answers for Part 2 of the survey.

One hundred (100%) of the respondents answered “Yes.”

The distribution of the answers between the two (2) choices can be seen in the graphic below:



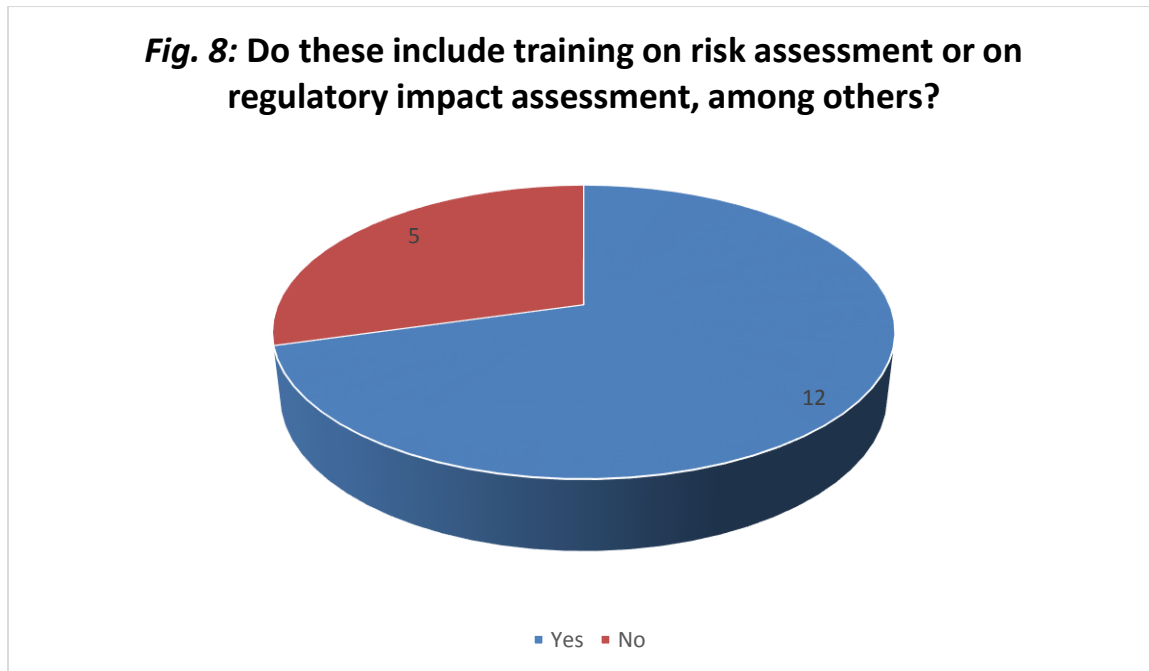
Question no. 2

Question no. 2 reads, thus: “Do these include training on risk assessment or on regulatory impact assessment, among others?” The same is answerable with “Yes” or “No.”

Specifically, twelve (12) of the member-economies implementing capacity building activities include training on risk assessment or on regulatory impact assessment, but five (5) do not. Two (2) of the member-economies were not able to submit answers for Part 2 of the survey.

Seventy-one percent (71%) of the respondents answered “Yes” while twenty-nine percent (29%) answered “No.”

The distribution of the answers between the two (2) choices can be seen in the graphic below:



Australia answered thus: “A number of Australian government agencies, as well as private public policy organisations and industry specific bodies, have a focus on best practice training and capacity building opportunities for policy makers, ministries and regulators to comply with government and regulatory policies and in stakeholder engagement. RIA capacity building is carried out at the state and territory level by the relevant regulatory oversight body in each state or territory government. The Office of Best Practice Regulation is currently developing a Massive Open Online Course (MOOC) on RIA.”⁵⁵

Canada answered thus: “Canada supports and directly provides capacity building activities that enhance economies ability to undertake risk assessments, establish regulations and food safety standards based on internationally accepted risk analysis principles and food safety standards. Canada also provides in-kind and financial support to various organizations that provide training in area of risk assessments (e.g. Codex Trust Fund, World Bank’s Global Food Safety Partnership).”⁵⁶

Chinese Taipei answered thus: “Chinese Taipei has stepped up works in enhancing government capability in RIA by holding 6 RIA training programs for civil servants in the latter half of 2014 and has successfully incorporated RIA in regular civil servant training programs starting in 2015. (As of April 2015, 10 training programs have been held.)”⁵⁷

Hong Kong, China, answered, thus: “Good regulatory practice (GRP) principles and best practices that have been implemented by bureaux/departments were disseminated within the Civil Service through various means such as intranet on business facilitation initiatives, newsletters, workshops, training courses, seminars, and experience sharing sessions. A

⁵⁵ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

⁵⁶ Canada, Responses to the 8th GRP Survey Questionnaire (Annex “F”).

⁵⁷ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

Business Impact Assessment framework has been developed to raise B/Ds' awareness of the implications of their regulatory proposals for the affected trades. EABFU has also developed a Business Compliance Cost framework together with an IT tool to assist B/Ds in assessing the business compliance costs and administrative burdens in a structured and consistent manner, and can be used for ex ante assessment of compliance costs of regulatory proposals and ex post assessment of compliance costs of existing regulations."⁵⁸

Japan answered, thus: "The training for policy evaluation, which is being implemented by Ministry of Internal Affairs and Communications (MIC), aims to learn general knowledge required for the policy evaluation. In order to improve the ability of government officials, who are in charge of policy evaluation in each ministry, the training is provided through learning basic knowledge as well as practical training on policy evaluation including regulatory impact analysis."⁵⁹

New Zealand answered, thus:

The Treasury provides regular training to departments on the RIA framework. Two different training courses are provided. The first course is for all levels of policy analysts on the RIA process, it covers:

- What is regulation and why does it matter;
- The requirements Cabinet has of departments to carry out RIA;
- What the RIA framework is and how to decide whether RIA needs to be carried out;
- What a Regulatory Impact Statement (RIS) is and how to write an effective RIS; and
- The RIS Quality Assurance (QA) standards.

The course involves plenty of exercises and group discussions; it typically takes three and a half hours to deliver to groups of around 10-20. The second course is for agency RIA panels, covering in detail how to Quality Assure RISs. The course is short and informal covering Cabinet's QA criteria, what a good RIS looks like, and how to draft a QA statement.⁶⁰

Question no. 3

Question no. 3 reads, thus: "If "no," are any alternative capacity building activities proposed?" The same is answerable with "Yes" or "No."

Specifically, three (3) of the five (5) member-economies with capacity building activities but without training on risk assessment or RIAs have proposed alternative measures, but two (2) do not. Two (2) of the member-economies were not able to submit answers for Part 2 of the survey.

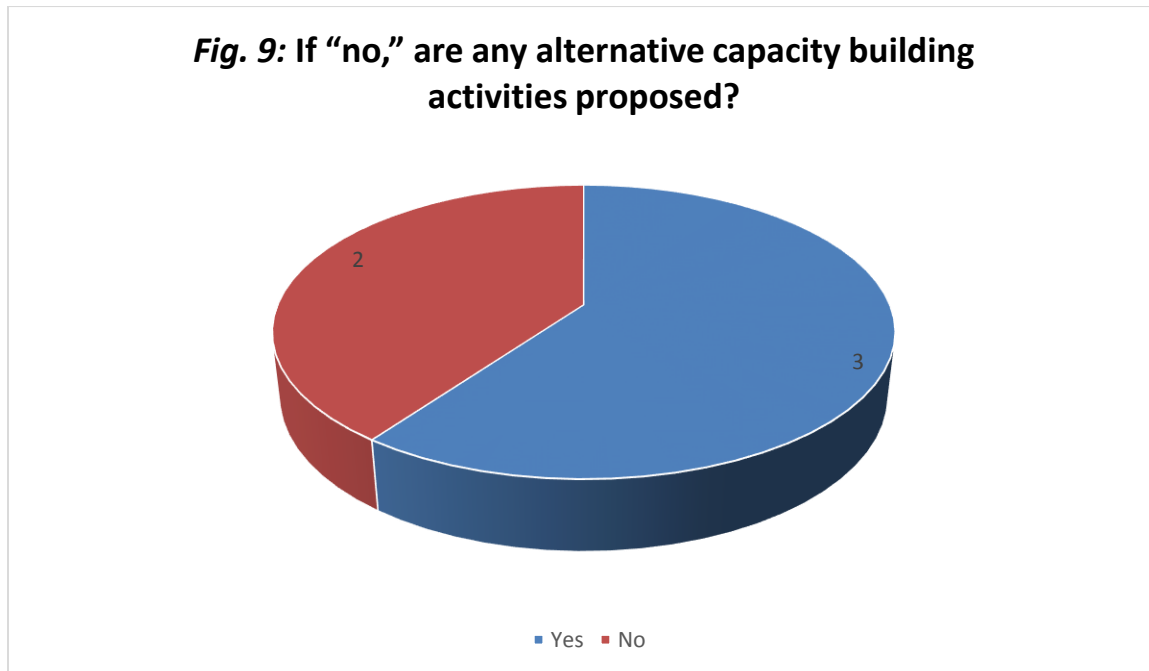
Sixty percent (60%) of the five (5) respondents answered "Yes" while forty percent (40%) answered "No."

⁵⁸ Hong Kong, China, Responses to the 8th GRP Survey Questionnaire (Annex "I").

⁵⁹ Japan, Responses to the 8th GRP Survey Questionnaire (Annex "K").

⁶⁰ New Zealand, Responses to the 8th GRP Survey Questionnaire (Annex "O").

The distribution of the answers between the two (2) choices can be seen in the graphic below:



Of those answering “Yes,” Indonesia indicated that it proposed “Capacity Building on Public Consultation, conducted by Coordinator Ministry for Economic Affairs,”⁶¹ Viet Nam proposed “Education on how to clarify the subjects/scale/measures which applicable to technical regulations; the procedures to develop, issue and take force the regulations effectively,”⁶² while Thailand explained that:

Thai Food and Drug Administration initiated has begun preparation for the agency on GRP by developing the quality management system to enhance the implementation of technical regulations in accordance with ASEAN GRP. The project began with educating personnel of the relevant departments in the FDA and made pre-assessment analysis (Situation Analysis) to analyze the gap between the present operations and the international standard (Gap Analysis). The analysis found significant gaps that needed to be done are the Risk Impact Assessment (RIA) and the incompleteness of the FDA Regulatory Impact Statement (RIS). In 2011, the Planning and Research Department of the Office of International Affairs has prepared draft guidelines for regulatory impact assessment and a statement format about legal impact using appropriately as a template for FDA agencies. There were four agencies selected for case study, which are the Food Control Division, Hazardous Substances Control Division, Narcotic Control Division and the Medical Devices Control Division. The Office of International Affairs was in charge of the knowledge and skills development on guidelines for assessing the impact of regulation for involved authorities and workshops on “The approach to the synthesis of regulatory impact assessment and a statement format about legal impact”. This workshop was for all those

⁶¹ Indonesia, Responses to the 8th GRP Survey Questionnaire (Annex “J”).

⁶² Vietnam, Responses to the 8th GRP Survey Questionnaire (Annex “V”).

involved in regulatory to recognize principles of regulatory impact assessment under the ASEAN GRP.⁶³

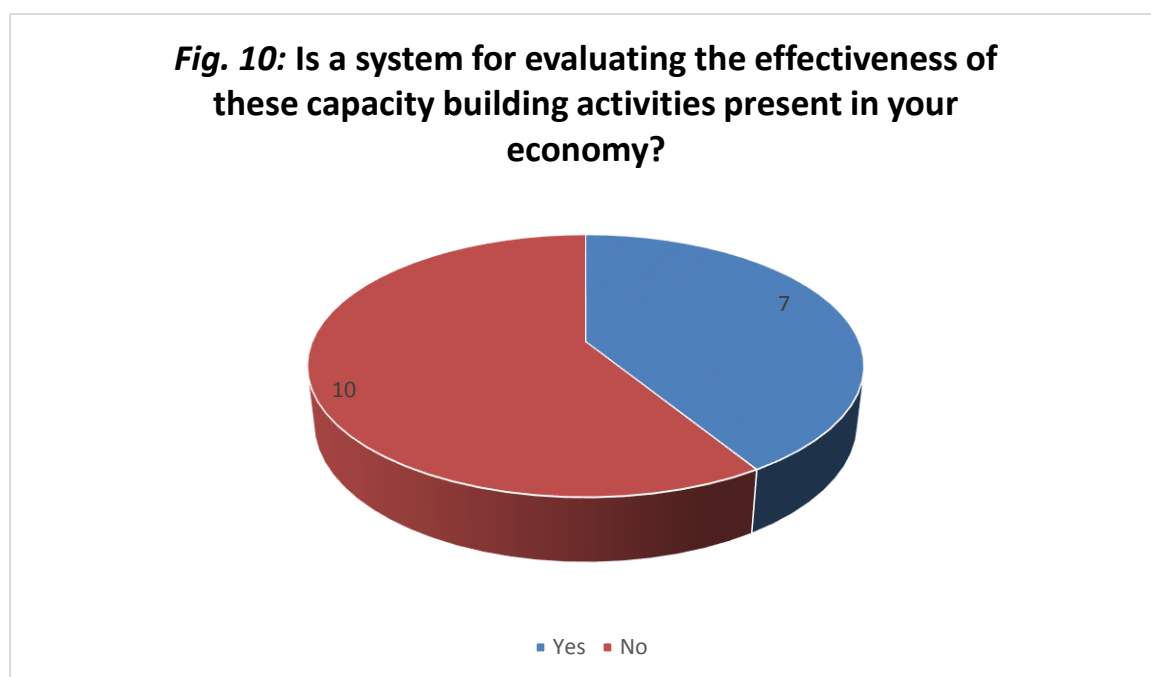
Question no. 4/5

Question no. 4/5 reads, thus: “Is a system for evaluating the effectiveness of these capacity building activities present in your economy?” The same is answerable with “Yes” or “No.”

Specifically, seven (7) of the member-economies implementing capacity building activities has a system of evaluation, but ten (10) do not. Two (2) of the member-economies were not able to submit answers for Part 2 of the survey.

Forty-one percent (41%) of the respondents answered “Yes” while fifty-nine percent (59%) answered “No.”

The distribution of the answers between the two (2) choices can be seen in the graphic below:



Only Australia gave an extensive explanation with respect to the evaluation of the effectiveness of capacity building activities in its economy:

This is dependent on the organization conducting the activity however there would usually be some sort of evaluation form or opportunity to provide feedback on a course or training session. For example, following RIA training sessions, the Office of Best Practice Regulation seeks feedback from participants on the effectiveness of its sessions, which leads to continual refinement of the training. A system of evaluation is being built into the MOOC development. Information will be gathered to monitor uptake and the overall success of the program, in line

⁶³ Thailand, Responses to the 8th GRP Survey Questionnaire (Annex “T”).

with APEC requirements. This will include website diagnostic trends, user survey outcomes and user feedback mechanisms. Information will be collected from users (with their consent) so that they can be contacted after a few years to ascertain the impact of the courses on outcomes and the achievement of the overall policy objective.

Australia also participates in the OECD's Regulatory Policy Committee, which conducts periodic surveys of participating economies' regulatory policy indicators and provides benchmarking data.

Food Standards Australia New Zealand developed, internally, an evaluation questionnaire for the Food Chemical Risk Analysis Training at the Agri-Food and Veterinary Authority of Singapore.⁶⁴

Question no. 6

This question specifically requested information from the respondents representing the participating member-economies on how evaluation systems translate to actual improvement of capacity building activities.

Australia answered that “[t]he system of evaluation described above informs government policy-making and the refinement of existing regulatory systems and processes; however more could also be done to translate this information into improving capacity building initiatives.”⁶⁵

Canada answered that the system of evaluation enables Canada to ensure capacity building activities remain relevant and effective. It also allows Canada to evaluate if the activity meets the objectives.”⁶⁶

Chinese Taipei answered that the participants' self-evaluations and their feedback are a great resource in identifying their own training needs to improve our training programs going forward.”⁶⁷

Indonesia answered that “[it] already [has] a legal umbrella for GRP, namely Law No. 12/2011 on the Establishment of Legislation, the National Standardization Guidelines (PSN) No. 301/2011 on Guidelines for the Implementation of Mandatory SNI. However, the legal framework needs to be supported by the RIA guidelines. Indonesia is on the view of having a guidelines on RIA is important. For the time being, we just developed Public Consultation Guideline.”⁶⁸

Japan answered that the results of survey are taken into consideration in planning next year's training program.”⁶⁹

Malaysia answered that “ISO process requires evaluation forms to be assessed and analysed. A report will be generated based on the data gathered. Some of the data captured from participants are on the following aspects:

⁶⁴ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

⁶⁵ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

⁶⁶ Canada, Responses to the 8th GRP Survey Questionnaire (Annex “F”).

⁶⁷ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

⁶⁸ Indonesia, Responses to the 8th GRP Survey Questionnaire (Annex “J”).

⁶⁹ Japan, Responses to the 8th GRP Survey Questionnaire (Annex “K”).

- a. The extent of the objective of attending the program has been met.
- b. The extent to which the program enriched participants' knowledge in the subject matter.
- c. The extent of the program content, whether it is useful and relevant to participants' work.
- d. The impact of the program which contribute to the effectiveness in the participants' work.⁷⁰

Mexico answered that "Mexico's economy is based on free market. It serves as a basis for knowing the requirements needed as well as a starting point for future assessments."⁷¹

Thailand answered that "[t]he evaluation report is crucial element to reflect what we have done to improve our capacities and provide what should be done for the future to achieve our objective as well."⁷²

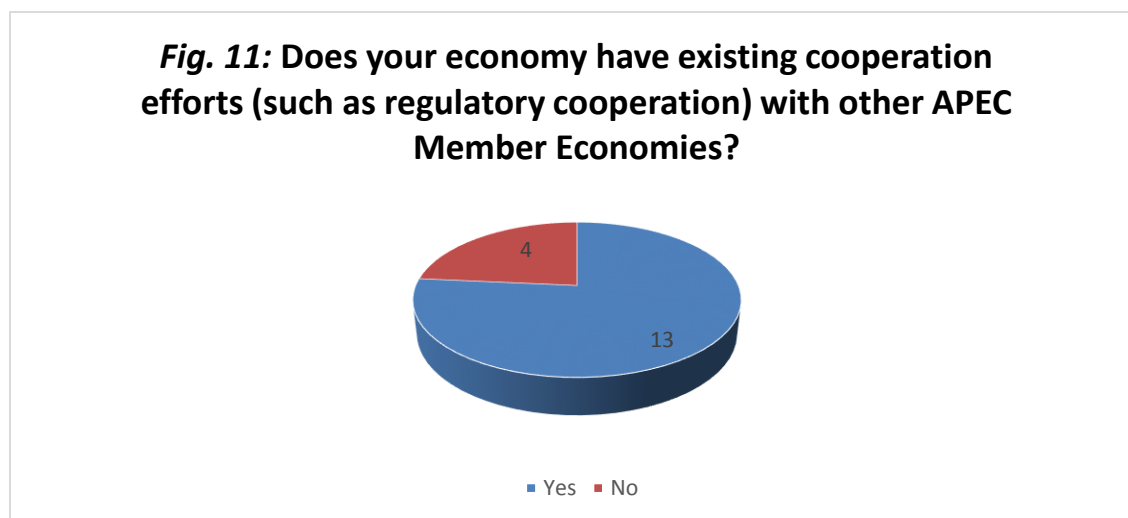
Question no. 7

Question no. 7 reads, thus: "Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?" The same is answerable with "Yes" or "No."

Specifically, thirteen (13) of the member-economies have existing cooperation efforts with other APEC Member Economies, but four (4) do not. Two (2) of the member-economies were not able to submit answers for Part 2 of the survey.

Seventy-six percent (76%) of the respondents answered "Yes" while twenty-four percent (24%) answered "No."

The distribution of the answers between the two (2) choices can be seen in the graphic below:



⁷⁰ Malaysia, Responses to the 8th GRP Survey Questionnaire (Annex "M").

⁷¹ Mexico, Responses to the 8th GRP Survey Questionnaire (Annex "N").

⁷² Thailand, Responses to the 8th GRP Survey Questionnaire (Annex "T").

Australia responded that:

An annual meeting is held between the Australian Government, Australian state and territory governments and New Zealand Government regulatory oversight bodies. The Office of Best Practice Regulations cooperates with the New Zealand government's regulatory oversight body on trans-Tasman regulatory issues. Ad hoc participation in APEC workshops on capacity building, regulatory impact analysis including evaluating impacts of social regulation and conducting bilateral engagements.⁷³

Brunei Darussalam indicated that it has cooperation efforts focusing on sharing of information, best practices and capacity building with ASEAN Member States.⁷⁴

Canada enumerated examples such as, "Regulatory Cooperation Council Initiative with the United States; bilateral partnerships and Memorandum of Understandings with number of APEC economies including New Zealand, Australia, China."⁷⁵

Chile responded that:

Regulatory Cooperation has been a tool commonly incorporated in the last free trade agreement negotiated by Chile under the Technical Barriers to Trade (TBT) chapters. Nowadays, regulatory cooperation has been widely used by Chile as a tool to strength bilateral relation with relevant trading partners. For example, Chile has lead regulatory cooperation programmes within the Pacific Alliance with Peru and Mexico. Sectors such as pharmaceutical and cosmetic products have been incorporated in those works, and others are expected to be included in the future as well. There are others initiatives such as the Expert Policy Dialogue on Regulatory Policy in Latin America, where Mexico and Peru participate as well in cooperation with the OCDE and the Inter-American Development Bank (IADB).⁷⁶

Chinese Taipei responded in this wise:

Chinese Taipei puts great emphases on developing cooperative relationship with regulators in APEC member economies. Under the Sub-Committee on Standards and Conformance (SCSC), Chinese Taipei has engaged in in-depth discussions with members economies such as on the issues of harmonizing standards in areas like electric vehicle and energy efficiency, regulatory compliance on safety related legislation and regulations for foods and consumer products, and mutual recognition of conformity assessment results, for example, acceptance of test reports for determination of electrical and electronic products safety. Bilaterally, government agencies of the Chinese Taipei also signed agreements with government bodies or private organizations among member economies on the activities of regulatory cooperation under their jurisdiction. For example, the Bureau of Standards, Metrology and Inspection (BSMI), the contact point for APEC SCSC in Chinese Taipei, as of May 2015, has concluded 46 cooperation

⁷³ Australia, Responses to the 8th GRP Survey Questionnaire (Annex "D").

⁷⁴ Brunei Darussalam, Responses to the 8th GRP Survey Questionnaire (Annex "E").

⁷⁵ Canada, Responses to the 8th GRP Survey Questionnaire (Annex "F").

⁷⁶ Chile, Responses to the 8th GRP Survey Questionnaire (Annex "G").

agreements, including 8 mutual recognition agreements/arrangements (MRAs) with its counterparts in the United States, Canada, Australia, New Zealand, Viet Nam, Singapore and Japan, and 38 agreements or MOUs on the fields of standards, product testing and management systems certification. These agreements/arrangements or MOUs facilitate the alignment of regulatory practices and exchange of experiences between experts on topics of mutual interest.⁷⁷

Hong Kong, China specified that it “signed bilateral trade agreements with other APEC Member Economies which facilitate cooperation with other APEC Member Economies in trade matters and, among others, in upholding and enhancing implementation of the Sanitary and Phytosanitary (SPS) Agreement and related matters.”⁷⁸

Malaysia responded that:

The cooperation efforts and networking are as follows:

1. Development and Implementation of Methodologies to Improve the Quality of Regulations and Regulatory Impact Assessments for Enhancing Market Openness, Ensuring Transparency and Promoting Economic Growth" in Mexico City, Mexico where Malaysia shared RIA implementation in the economy.
2. The First Senior Officials' Meeting of 2014 in Ningbo, China where illustrative presentations were given by Malaysia (reducing construction permit delays).⁷⁹

Mexico responded that it “has free trade agreements with four APEC member economies (Canada, United States, Chile and Japan), and to date has signed two agreements for the Promotion and Reciprocal Protection of Investments (Korea and Australia).”⁸⁰

New Zealand responded that it “has arrangements around regulations that have trans-tasman implications. The Council of Australian Government (COAG) must be consulted when regulatory proposals have Trans-Tasman Mutual Recognition Agreement implications (TTMRA) and vice versa. The New Zealand-China FTA New Zealand contains an agreement on the mutual recognition of conformity assessment for electrical and electronic equipment.”⁸¹

Peru responded that it “work[s] closely in subjects related to regulatory cooperation with US, Mexico, Chile and Canada in order to minimize barriers to trade.”⁸²

The United States responded that it

currently participates in two Regulatory Cooperation Councils (RCCs) that address significant, cross-cutting international regulatory cooperation activities: the United States-Canada Regulatory Cooperation Council and the United States-Mexico High Level Regulatory Cooperation Council. The President and

⁷⁷ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

⁷⁸ Hong Kong, China, Responses to the 8th GRP Survey Questionnaire (Annex “I”).

⁷⁹ Malaysia, Responses to the 8th GRP Survey Questionnaire (Annex “M”).

⁸⁰ Mexico, Responses to the 8th GRP Survey Questionnaire (Annex “N”).

⁸¹ New Zealand, Responses to the 8th GRP Survey Questionnaire (Annex “O”).

⁸² Peru, Responses to the 8th GRP Survey Questionnaire (Annex “Q”).

his respective counterparts in Canada and Mexico directed the creation of these RCCs with a mandate to engage in sector-specific regulatory cooperation.⁸³

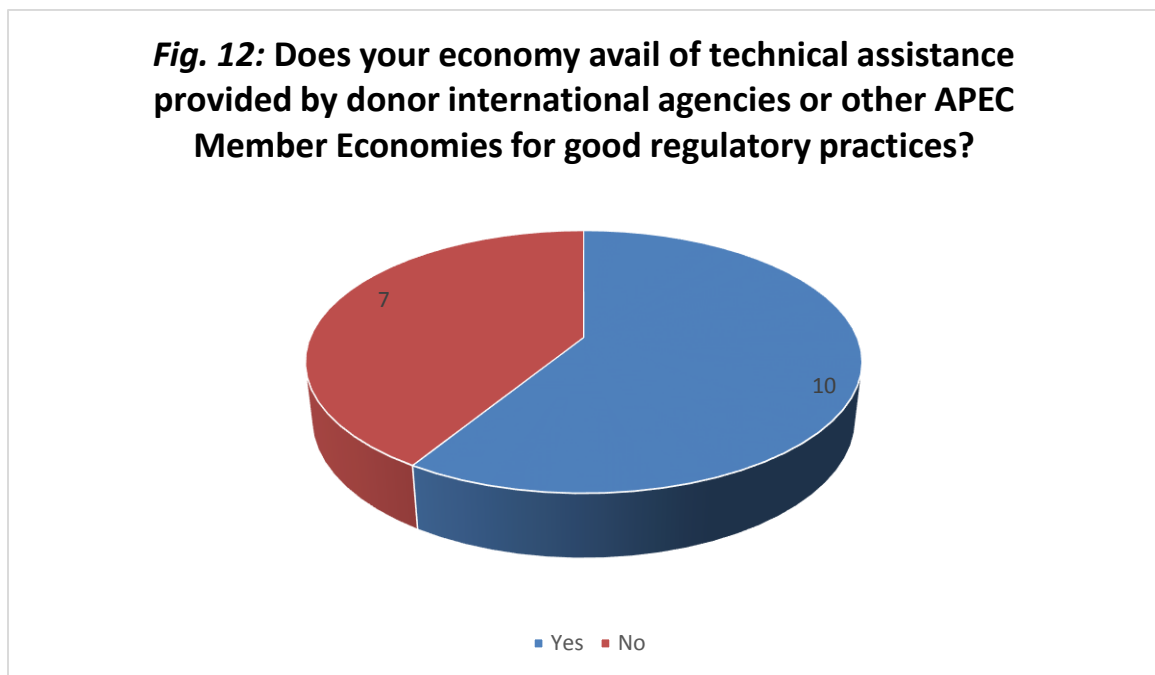
Question no. 8

Question no. 8 reads, thus: “Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?” The same is answerable with “Yes” or “No.”

Specifically, ten (10) of the member-economies avail of technical assistance provided by donor international agencies or other APEC Member Economies for GRP, but seven (7) do not. Two (2) of the member-economies were not able to submit answers for Part 2 of the survey.

Fifty-nine percent (59%) of the respondents answered “Yes” while forty-one percent (41%) answered “No.”

The distribution of the answers between the two (2) choices can be seen in the graphic below:



Australia responded that:

Food Standards Australia New Zealand host visits from a range of APEC members and staff have spoken at a number of international events to share knowledge and expertise in this area (e.g. using economics and the social science to analyses possible regulatory interventions). Food Standards also work closely with a range of other nations that have an interest in expanding and developing this body of knowledge and methodological techniques.⁸⁴

⁸³ USA, Responses to the 8th GRP Survey Questionnaire (Annex “U”).

⁸⁴ Australia, Responses to the 8th GRP Survey Questionnaire (Annex “D”).

In regards to Food Standards Australia New Zealand, they regularly share information with the US, Canada, New Zealand and South Korea around regulatory analysis approaches and methodology.⁸⁵

Chile responded that it “actively uses international activities to receive technical assistance provided by international organization. One of the main contributors in this sense is APEC, OCDE and WTO.”⁸⁶

Chinese Taipei provided two relevant events in 2014, thus:

1. On April 30, Chinese Taipei held the two-day Conference on Regulatory Impact Assessment, inviting experts from Australia, New Zealand, Belgium, and Korea to share their experiences in implementing RIA. This has been followed by a series of RIA training courses to further enhance the RIA capacity of our government agencies.
2. On December 2-4, the “WTO-TBT Workshop on Technical Barriers to Trade” was held in Taipei. 41 participants from regulators and academic institutes acquired a deep understanding of the TBT Agreement and related discussions from the presentations delivered by Mr. Devin McDaniels, Economic Affairs Officer of the WTO Trade and Environment Division, and Mr. Dennis Chew, Regional Director of the IEC Asia-Pacific Regional Centre.⁸⁷

Hong Kong, China, likewise gives examples, particularly:

In the past few years, Hong Kong, China, participated in workshops organised by APEC Member Economies. Some examples are:

1. Capacity building workshop on regulatory impact assessment in 2011;
2. “International symposium on food safety risk assessment” under the project “Enhanced Capacity Building for Food Safety Risk Assessment in Asia Pacific” in 2012; and
3. Workshop on “Development of a Guideline for the Harmonisation of Pesticide Maximum Residue Limits (MRLs) for Imported Foods within APEC Economies” in 2015.⁸⁸

Mexico responded that:

Mexico takes advantage of programs of economic and technical cooperation, access to financing and technical training for specific projects related to the facilitation of trade and investment, promote capacity building, human resource development, science and technology, as well as the SMEs, among others.⁸⁹

⁸⁵ *Id.*

⁸⁶ Chile, Responses to the 8th GRP Survey Questionnaire (Annex “G”).

⁸⁷ Chinese Taipei, Responses to the 8th GRP Survey Questionnaire (Annex “H”).

⁸⁸ Hong Kong, China, Responses to the 8th GRP Survey Questionnaire (Annex “I”).

⁸⁹ Mexico, Responses to the 8th GRP Survey Questionnaire (Annex “N”).

Peru responded that the Ministry of Foreign Trade and Tourism and the Ministry of Economy have organized workshops on GRP and RIA through international technical assistance in order to train regulatory authorities.”⁹⁰

The Philippines responded that “ADB provides technical assistance to NEDA regarding the institutionalization of RIA within the agency. Likewise, NEDA participated in various workshops conducted by other APEC economies such as Malaysia and Mexico.”⁹¹

⁹⁰ Peru, Responses to the 8th GRP Survey Questionnaire (Annex “Q”).

⁹¹ Philippines, Responses to the 8th GRP Survey Questionnaire (Annex “R”).

Annexes

Annex “A”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

Please check the appropriate box for questions answerable by “yes” or “no.”

In case textual or additional information is required, please provide the same in English inside the space provided below.

I. Basic Information

1.1 Economy

1.2 Name

1.3 Gender

Male Female

1.4 Position

1.5 Contact Information (Office/Address/Email)

1.6 Type of organization (check all applicable)

Standards body Regulatory body
 Accreditation body Policy body
 If others, please specify:

II. Good Regulatory Practices

1. Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes No

1.1 If “yes”, please provide the title of the law authorizing the entity or the link to the same.

2. Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes No

2.1 If “yes,” please provide the link to the same below.

3. Does your economy conduct a review of existing significant regulations?

Yes No

3.1 If “yes,” please provide general information regarding such undertaking by the government.

4. Does your economy conduct mandatory regulatory impact assessments (RIAs) prior to crafting regulations?

Yes No

4.1 Similarly, does your economy conduct mandatory RIAs on already existing regulations?

Report Yes No

4.2 If "yes," please provide general information as to the conduct of such RIAs.

5. Were public consultations or hearings held in order to assess the impact of trade regulations to be drafted?

Yes No

5.1 Were public consultations or hearings held in order to assess the impact of already existing trade regulations?

Yes No

5.2 If "yes," please provide general information as to the conduct of such public consultations or hearings.

6. Does your economy have a single online or web database containing all relevant information about good regulatory practices, such as best practices manuals, descriptions and explanations?

Yes No

6.1 If "yes," please provide the link to the same below.

7. Does your economy conduct public consultation online or through e-rulemaking programs?

Yes No

7.1 If "yes," please provide the link to the same below.

III. Capacity Building

The following questions on "capacity building and education efforts" focus on building support and understanding of good regulatory practices (GRP). These efforts include "education on trade competitiveness and benefits of good regulatory practices to stakeholders and should, where possible and appropriate, include efforts with other APEC Member Economies.

1. Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes No

1.1 If "yes," do these include training on risk assessment or on regulatory impact assessment, among others?

Yes No

1.2 If "yes," please provide general information concerning such capacity building activities.

1.3 If "no," are any alternative capacity building activities proposed?

Yes No

1.4 If "yes," please provide general information regarding such proposed capacity building activities.

Yes No

2.1 If "yes," please provide general information regarding such system of evaluation.

3. How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

4. Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes No

4.1 If "yes," please provide general information regarding such cooperation efforts.

5. Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes No

5.1 If "yes," please provide general information regarding such technical assistance.

Thank you for responding to this questionnaire!

Annex “B”

w.surveymonkey.com/r/32XTP3H

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

(Part 1)

SURVEY QUESTIONS (Page 1)

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

Part 1 contains the “Basic Information” and “Good Regulatory Practices” portions, while Part 2 contains the “Capacity Building” portion.

Please check the appropriate box for questions answerable by “yes” or “no.”

In case textual or additional information is required, please provide the same in English inside the space provided below.

I. Basic Information

* 1. Basic Information

Name	<input type="text"/>
Position	<input type="text"/>
Contact Information (Office/Address/E-mail)	<input type="text"/>
Economy	<input type="text"/>

2. Type of Organization (check all applicable)

- Standards body
- Accreditation body
- Regulatory body
- Policy body
- If others, please specify:

Next

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8TH CONFERENCE ON GOOD REGULATORY PRACTICE
Implementation of Good Regulatory Practices
through the Use of the Three Optional Tools and Capacity Building Initiatives
(Part 1)

SURVEY QUESTIONS (Page 2)

II. Good Regulatory Practices

3. Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

- Yes
- No

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

4. Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

- Yes
- No

If “yes,” please provide the link to the same below.

5. Does your economy conduct a review of existing significant regulations?

- Yes
- No

If “yes,” please provide general information regarding such undertaking by the government.

6. Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

- Yes to a), no to b)
- No to a), yes to b)
- Yes to both
- No to both

If "yes" or "yes to both," please provide general information as to the conduct of such RIAs.

7. Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

- Yes to a), no to b)
- No to a), yes to b)
- Yes to both
- No to both

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

8. Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

- Yes to a), no to b)
- No to a), yes to b)
- Yes to both
- No to both

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

PrevDone

Annex “C”

w.surveymonkey.com/r/YJ5NKP9

8TH CONFERENCE ON GOOD REGULATORY PRACTICE Implementation of Good Regulatory Practices through the Use of the Three Optional Tools and Capacity Building Initiatives (Part 2)

SURVEY QUESTIONS (Page 3)

The following questions on “capacity building and education efforts” focus on building support and understanding of good regulatory practices (GRP). These efforts include “education on trade competitiveness and benefits of good regulatory practices to stakeholders and should, where possible and appropriate, include efforts with other APEC Member Economies.

II. Capacity Building

1. Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

- Yes
 No

2. If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

- Yes
 No

If “yes,” please provide general information concerning such capacity building activities.

3. If “no,” are any alternative capacity building activities proposed?

- Yes
 No

If “yes,” please provide general information regarding such proposed capacity building activities.

4. Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

- Yes

*** 6. What is your economy (country)? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.**

7. Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

No

If "yes," please provide general information regarding such cooperation efforts.

8. Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

No

If "yes," please provide general information regarding such technical assistance.

Thank you for responding to this questionnaire!

Done

Annex “D”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name: Nicole Henry

Position: Manager, Trade Facilitation

Contact Information (Office/Address/E-mail): apec.scsc@industry.gov.au

Economy: Australia

Q2: Type of Organization (check all applicable)

If others, please specify: Australian Government in conjunction with survey contributors:

- Australian Government – Deregulation Policy
- Australian Government – Office of Best Practice Regulation
- Food Standards Australia New Zealand
- Accord Australasia

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

The Office of Best Practice Regulation is tasked with oversight of the Australian Government’s regulatory impact analysis and in monitoring and reporting on their performance. The Office of Deregulation is tasked with overseeing and facilitating the delivery of the Australian Government’s deregulation agenda and red tape reduction program. Oversight of regulation is also conducted by parliamentary committees including the Senate Standing Committee on Regulations and Ordinances; and the Senate Standing Committee on Scrutiny of Bills. Sectoral based oversight bodies also exist for example the Australian Prudential Regulation Authority for the finance sector; and the Australian Competition and Consumer Commission for monitoring anti-competitive behavior.

Office of Best Practice Regulation: <http://www.dpmc.gov.au/office-best-practice-regulation>

Office of Deregulation: <https://www.dpmc.gov.au/office-deregulation>

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

The Australian Government does not mandate the use of formal annual regulatory plans, but does conduct regulatory reform through individual ministries within the broader regulatory policy framework. Proposed regulatory reforms are typically publicised and tested with the Australian public through a number of mechanisms including: election commitments; government announcements; RIA; green papers/white papers; thematic reviews by the Productivity Commission or other appointed review bodies; and ad hoc thematic consultation processes (e.g. ministry websites). Currently the Australian Government is committed to cutting approximately \$1 billion in red tape per year to reduce regulatory burdens on individuals, businesses and the community. As a part of this agenda, two parliamentary repeal days are held each year to cut unnecessary and costly legislation and regulation.

Cutting Red Tape: <https://cuttingredtape.gov.au/>

Draft legislation: http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation

Ministerial Annual Regulatory Plans: <http://ris.dpmc.gov.au/2012/10/02/annual-regulatory-plans/>

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

See also answers to Questions 4 and 6.

In 2014, the Australian Government undertook a stocktake of the regulatory burden of all legislation administered by each government ministry to gauge the annual cost to business, community organisations and individuals of complying with government regulations. Policy was also introduced requiring that any new regulation, or changes to existing regulation, assessed as having a significant impact on the economy must be subjected to a post-implementation review within five years. Ministries also conduct annual reviews of redundant or spent regulation for sunseting as part of the twice-yearly parliamentary repeal days. Regulatory reform is also supported by the Australian Productivity Commission, which conducts reviews on selected sectors or industries and informs policy decisions and regulatory reforms and benchmarking performance of regulations in different regions or economies.

Australian Productivity Commission: <http://www.pc.gov.au/>

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to both

If “yes” or “yes to both,” please provide general information as to the conduct of such RIAs.

A regulation impact statement (RIS) detailing the RIA is mandatory for all cabinet submissions, as well as for policy proposals considered by decision-makers other than cabinet and which are likely to have a measurable impact on business, community organisations or individuals. This includes new regulations, amendments to existing regulations, and in some cases sunsetted regulations being remade. Similar processes are used at the state and territory level as well.

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to both

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

It is a requirement of the RIA process that consultation be held in relation to all legislation that is likely to have a significant impact on business and other stakeholders. Trade regulations are subject to the same regulation impact statement requirements as other regulations. Subject to consideration by cabinet, or having a measurable impact on business, community organisations or individuals, the impact of new trade regulations, or amendments to existing regulations, must be informed by public consultation. Under section 8(2)(f) of the Freedom of Information Act 1982, Australian Government agencies are required to publish information about each public consultation they undertake in the course of developing a specific policy proposal.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to a), Yes to b)

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

Office of Best Practice Regulation: <http://www.dpmc.gov.au/office-best-practice-regulation>

RIA information and post-implementation reviews: <http://ris.dpmc.gov.au/>

Deregulation agenda information: <http://www.cuttingredtape.gov.au/>

Australian Government departments and agencies conduct public consultation using a range of mechanisms to suit the particular circumstances of the proposal and the key stakeholders impacted. Consultation is undertaken by the individual agencies. Most if not all agencies would have an online presence and/or process to engage with stakeholders. A number of Australian government agencies, as well as private public policy organisations, have a focus on best practice training and capacity building opportunities for policy makers, ministries and regulators to comply with government and regulatory policies and in stakeholder engagement.

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

A number of Australian government agencies, as well as private public policy organisations and industry specific bodies, have a focus on best practice training and capacity building opportunities for policy makers, ministries and regulators to comply with government and regulatory policies and in stakeholder engagement. RIA capacity building is carried out at the state and territory level by the relevant regulatory oversight body in each state or territory government. The Office of Best Practice Regulation is currently developing a Massive Open Online Course (MOOC) on RIA. The objective of the MOOC is to build capacity in regulatory best practice by emphasising the principles of good regulatory practices. Phase 1 of the MOOC is to develop core modules, common for everyone, but with a focus on Australia. Phase 2 will translate the MOOC into different languages and with modules specifically designed to focus on APEC economies.

In relation to industry specific training, Food Standards Australia New Zealand has conducted the following: Food Chemical Risk Analysis Training, Agri-Food and Veterinary Authority of Singapore; Seminar-Workshop on the Development and the Strengthening of Food Recall Systems for APEC Member Economies; collaborates with WPRO on capacity building activities; and a range of other capacity building activities. FSANZ is happy to be contacted for further information.

Q3: If “no,” are any alternative capacity building activities proposed?

Respondents skipped this question.

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

If “yes,” please provide general information regarding such system of evaluation.

This is dependent on the organization conducting the activity however there would usually be some sort of evaluation form or opportunity to provide feedback on a course or training session. For example, following RIA training sessions, the Office of Best Practice Regulation seeks feedback from participants on the effectiveness of its sessions, which leads to continual refinement of the training. A system of evaluation is being built into the MOOC development. Information will be gathered to monitor uptake and the overall success of the program, in line with APEC requirements. This will include website diagnostic trends, user survey outcomes and user feedback mechanisms. Information will be collected from users (with their consent) so that they can be contacted after a few years to ascertain the impact of the courses on outcomes and the achievement of the overall policy objective.

Australia also participates in the OECD's Regulatory Policy Committee, which conducts periodic surveys of participating economies' regulatory policy indicators and provides benchmarking data.

Food Standards Australia New Zealand developed, internally, an evaluation questionnaire for the Food Chemical Risk Analysis Training at the Agri-Food and Veterinary Authority of Singapore.

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Respondents skipped this question.

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

The economy is Australia. The system of evaluation described above informs government policy-making and the refinement of existing regulatory systems and processes; however more could also be done to translate this information into improving capacity building initiatives.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If "yes," please provide general information regarding such cooperation efforts.

An annual meeting is held between the Australian Government, Australian state and territory governments and New Zealand Government regulatory oversight bodies. The Office of Best Practice Regulations cooperates with the New Zealand government's regulatory oversight body on trans-Tasman regulatory issues. Ad hoc participation in APEC workshops on capacity building, regulatory impact analysis including evaluating impacts of social regulation and conducting bilateral engagements.

Food Standards Australia New Zealand host visits from a range of APEC members and staff have spoken at a number of international events to share knowledge and expertise in this area (e.g. using economics and the social science to analyses possible regulatory interventions). Food Standards also work closely with a range of other nations that have an interest in expanding and developing this body of knowledge and methodological techniques.

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If "yes," please provide general information regarding such technical assistance.

In regards to Food Standards Australia New Zealand, they regularly share information with the US, Canada, New Zealand and South Korea around regulatory analysis approaches and methodology.

Annex “E”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Dr Anie H Abdul-Rahman
Position Director of Environmental Health Service
Contact Information (Office/Address/E-mail) anie.rahman@moh.gov.bn
Economy Brunei Darussalam

Q2: Type of Organization (check all applicable)

Regulatory body
Policy body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

No

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

No

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

Only when necessary

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

No to both

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

No to both

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to both

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

training on risk assessment only, either locally or internationally

Q3: If “no,” are any alternative capacity building activities proposed?

Respondent skipped this question

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Respondent skipped this question

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

Focusing on sharing of information, best practices and capacity building with ASEAN Member States

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

No

Annex “F”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Bhavik Thakkar
Position Senior Advisor
Contact Information (Office/Address/E-mail) bhavik.thakkar@hc-sc.gc.ca
Economy Canada

Q2: Type of Organization (check all applicable)

Standards body
Regulatory body
Policy body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

Yes. There are multiple agencies and authorities. Horizontally, we have the Treasury Board of Canada Secretariat and the Privy Council of Canada. There are also area specific regulatory bodies such as Health Canada (e.g. food safety standards and drug regulations) and Canadian Food Inspection Agency (e.g. food safety compliance regulations). There are also number of bodies at provincial (state level).

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

There are several regulatory reform related initiatives domestically. Example of one is: The Red Tape Reduction Action Plan: <http://www.tbs-sct.gc.ca/rtrap-parfa/index-eng.asp>

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

The Cabinet Directive on Regulatory Management requires review of existing regulations. Example: Under the "One-for-One" Rule, departments and agencies are responsible for: 1) Controlling the number of regulations by repealing at least one existing regulation every time a new one that imposes an administrative burden (i.e., red tape) on business is introduced; and Restricting the growth of administrative burden by ensuring that new administrative burden on business caused by a regulatory change ("IN") is offset by an equal decrease in administrative burden on business from the existing stock of regulations ("OUT"). 2) Departments and agencies must review existing regulations in order to identify outdated, burdensome regulations that can be reformed or removed to offset increases in administrative burden on business arising from regulatory changes.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to a), no to b)

If "yes" or “yes to both,” please provide general information as to the conduct of such RIAs.

In consultation with the Regulatory Affairs Sector of the Treasury Board Secretariat, departments and agencies will assess the impact of regulatory proposals at an early stage to determine where approval processes can be streamlined and where resources should be focused. The following factors will be considered in this assessment: - Potential impact of the regulation on health and safety, security, the environment, and the social and economic well-being of Canadians; - Cost or savings to government, business, or Canadians, and the potential impact on the Canadian economy and its international competitiveness; - Potential impact on other federal departments or agencies, on other governments in Canada, and on Canada's foreign affairs; - Degree of interest, contention, and support among affected parties and among Canadians; and Overall expected impact: Recognizing that regulatory impact analysis can be resource intensive, the Directive emphasizes the principle of proportionality—analysis should be focused where it is most needed. Therefore, at the earliest stages of regulatory design, departments and agencies must assess the regulatory proposal, in consultation with the Regulatory Affairs Sector of the Treasury Board Secretariat, to determine its overall expected impact (i.e., low, medium or high) and the particular analytical and other requirements to be met. Also, RIAs are also conducted for existing regulations that are being amended.

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

If "yes" or “yes to both,” please provide general information as to the conduct of such public consultations or hearings.

<http://www.gazette.gc.ca/gazette/home-accueil-eng.php>

As the official newspaper of the Government of Canada published since 1841, the Canada Gazette is one of the vehicles that Canadians can use to access the laws and regulations that govern their daily lives. Government departments and agencies as well as stakeholders from the private sector are required by law to publish certain information in the Canada Gazette. The official newspaper is published under the authority of the Statutory Instruments Act and of the Statutory Instruments Regulations. The Canada Gazette contains formal public notices, official appointments, proposed regulations, regulations and public Acts of Parliament from government departments and agencies. It also contains miscellaneous public notices from the private sector. The Canada Gazette serves as a consultative tool between the Government of Canada and Canadians. It gives Canadians the opportunity to provide their comments on the proposed regulations published in the Canada Gazette, Part I. For each of the proposed regulations listed, there is a contact name from the relevant department or agency and a closing date for comments. Anyone who may be affected by the proposed regulations can also request background information from the issuing department. The Canada Gazette plays an important role in Canada's regulatory process. Not only does it serve as official notice to Canadians, it also allows participation in the regulatory process by voicing opinions or providing comments as befits our democratic system.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to both

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

<http://www.gazette.gc.ca/gazette/home-accueil-eng.php> AND <https://www.tbs-sct.gc.ca/tbs-sct/ar-lr/intro-eng.asp>

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If "yes," do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If "yes," please provide general information concerning such capacity building activities.

Canada supports and directly provides capacity building activities that enhance economies ability to undertake risk assessments, establish regulations and food safety standards based on internationally accepted risk analysis principles and food safety standards. Canada also provides in-kind and financial support to various organizations that provide training in area of risk assessments (e.g. Codex Trust Fund, World Bank's Global Food Safety Partnership)

Q3: If “no,” are any alternative capacity building activities proposed?

No

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

If “yes,” please provide general information regarding such system of evaluation.

Capacity building activities are routinely evaluated to ensure they are strategic, effective and meet necessary objectives. This evaluation is done internally in collaboration with other departments and partners.

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

If “yes,” please provide general information regarding such system of evaluation.

Capacity building activities are routinely evaluated to ensure they are strategic, effective and meet necessary objectives. This evaluation is done internally in collaboration with other departments and partners.

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Canada.

System of evaluation enables Canada to ensure capacity building activities remain relevant and effective. It also allows Canada to evaluate if the activity meets the objectives.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

Example: Regulatory Cooperation Council Initiative with the United States; bilateral partnerships and Memorandum of Understandings with number of APEC economies including New Zealand, Australia, China.

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

No

Annex “G”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Jose Manuel Campos abad

Position Advisor

Contact Information (Office/Address/E-mail) jcampos@direcon.gob.cl

Economy Chile

Q2: Type of Organization (check all applicable)

Policy body

If others, please specify: Responses have been agreed with the main Chilean institutions with competence on regulatory policy, such as the General Secretary of the Presidency (SEGPRES), Ministry of Finance, Ministry of Economy and Ministry of Foreign Affairs

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

No

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

Currently there is not a single mechanism for regulatory reform since each regulatory agency applies their own procedures to develop regulatory reforms. Annual regulatory plan is not implemented yet in Chile.

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If "yes," please provide general information regarding such undertaking by the government.

Currently there is not a centralized mechanism in Chile to review existing significant regulations although each regulatory agency implements its own procedures when appropriate. Nevertheless, the Legal and Legislative Division in SEGPRES has legal mandate to overview the global coherence of secondary regulation, although this review is mainly focused on the legal point of view. In addition to the above, the Chamber of Deputies has established a Law Evaluation Department which conducts ex post evaluations of selected laws. Additionally, LED developed a three stage methodology to evaluate the effectiveness of laws, consisting of a technical analysis of the law, citizens' perception, and the preparation of a final report.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

No to both

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

The Law Associations and Citizen's Participation in Public Management made public participation compulsory, specified general criteria for it, and established permanent bodies within the administration to ensure compliance. However there is still no standardized practice for the whole of the state administration on how to conduct regulatory consultation, including its length, scope, timing, and underlying procedures. Nevertheless, in the case of Technical Regulations, Conformity Assessment Procedures and Sanitary and Phyto-sanitary Measures, there is an established procedure to conduct public consultation before their entry into force. Those procedures comply with the TBT and SPS Agreement under the WTO. Additionally, there is the Decree N°77 of the Ministry of Economy which specify in detail this procedure in those cases.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to both

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

www.leychile.cl is a website where can be found all regulations publicized in the Official Gazzett. There is not a website to promote best practices on regulatory reform, but it is an easy tool to find relevant regulations. In regards to the public consultation procedures, the Law of Transparency of the Public Function and Access of Information N° 20.285 states that public consultation should be released using the respective regulatory agency websites. Therefore, citizens can participate in all public consultations through internet. Steps to centralize in a single website all public consultations performed by the central administration have been taken.

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

No

Q3: If “no,” are any alternative capacity building activities proposed?

No

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Chile

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

Regulatory Cooperation has been a tool commonly incorporated in the last free trade agreement negotiated by Chile under the Technical Barriers to Trade (TBT) chapters. Nowadays, regulatory cooperation has been widely used by Chile as a tool to strength bilateral relation with relevant trading partners. For example, Chile has lead regulatory cooperation programmes within the Pacific Alliance with Peru and Mexico. Sectors such as pharmaceutical and cosmetic products have been incorporated in those works, and others are expected to be included in the future as well. There are others initiatives such as the Expert Policy Dialogue on Regulatory Policy in Latin America, where Mexico and Peru participate as well in cooperation with the OCDE and the Inter-American Development Bank (IADB).

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If “yes,” please provide general information regarding such technical assistance.

Yes, Chile actively uses international activities to receive technical assistance provided by international organization. One of the main contributors in this sense is APEC, OCDE and WTO.

Annex “H”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Wen-Chia HO

Position Associate Specialist

Contact Information (Office/Address/E-mail) · Office: Bureau of Standards, Metrology and Inspection Ministry of Economic Affairs · Address: 4, Chinan Road, Section 1 Taipei City 100, Taiwan · Email: intl@bsmi.gov.tw
Economy Chinese Taipei

Q2: Type of Organization (check all applicable)

Standards body

Regulatory body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

- (1) Regulatory Reform Center of National Development Council: The Organic Act of the National Development Council
(<http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=A0010106>)
- (2) Legal Affairs Committee of the Cabinet: Regulations for Departmental Affairs of the Cabinet
(<http://law.moj.gov.tw/LawClass/LawSinglef.aspx?Pcode=A0020155&FLNO=20>)

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

(1) Regulatory Plan: Executive agencies submit major bills of a time-sensitive and urgent nature to the Legislature to request priority in deliberation and passage prior to the beginning of each of the two legislative sessions each year. The names of bills currently under examination and list of bills sent by the Cabinet to the Legislature for deliberation can be searched on the Cabinet website (http://www.ey.gov.tw/Content_List.aspx?n=03A584AEDA0DFA18).

(2) Other voluntary mechanism for regulatory reform: Chinese Taipei's Internet industry is developing rapidly, however, the existing legal framework is based on traditional industry thinking models. Therefore there is a need to review and adjust current regulations. As a result, the "Regulatory Adjustment Plan for Virtual World Development Program" was formulated and approved by the Cabinet in December, 2014. The relevant Ministry conducts regulator reviews of existing laws and regulations and submit regulatory plans.

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If "yes," please provide general information regarding such undertaking by the government.

Chinese Taipei annually reviews the suggestions made by domestic industrial and commercial organizations and foreign chambers of commerce, and arranges meetings of government agencies and private sector stakeholders on areas involving a broad range of industries or of particular importance to business associations, issue by issue, so as to focus discussions on how to overcome barriers to the operations of international businesses. Concrete results of negotiations in 2014 include relaxing food labelling provisions, setting up a drug patent database for the implementation of a patent linkage system, and establishing a single registration window for chemicals and harmonize the current two systems to the greatest extent possible.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such RIAs.

RIA is required by the Matters Requiring Attention in the Law Making Process of Central Government Agencies and the Matters Requiring Attention by Subsidiary Agencies of the Cabinet in Submitting Draft Laws for Review by the Cabinet.

(1) When a law or regulation is made, amended, or repealed, related laws and regulations must also be reviewed, and amended or repealed correspondingly as to eliminate inconsistencies, redundancies, and contradictions of law.

(2) Draft laws require a complete and thorough assessment of all facets of their impact (including costs, benefits, and human rights and gender impact; for bills involving tax expenditure and the assessments of tax expenditure are to be conducted pursuant to the Matters Requiring Attention in the Conduct of the Tax Expenditure Assessment Process).

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to both

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

General information: According to the Article 151 of the Administrative Procedure Act, the procedure set forth in this Act shall be followed by all administrative authorities in the establishment of legal orders, and the provisions with respect to the procedure for the establishment of legal orders shall apply mutatis mutandis to amendment to and repeal of legal orders and the cessation and resumption of the application thereof, unless it is otherwise provided for by law. Also, in accordance with the Article 154 of the Administrative Procedure Act, when formulating a legal order, the administrative authority shall cause it to be publicly announced in a government gazette or newspaper and give the following information, unless the situation is so urgent that prior announcement to the public is clearly impossible:

- (1) Name of the authority formulating the legal order, or the names of all authorities involved if it is required by law that the legal order be established jointly by several authorities;
- (2) The legal basis for establishing the legal order;
- (3) Full text or the essence of the draft; and
- (4) The statement to the effect that any person may give the designated authority his opinions within the specified period. On the basis of this Act, Taiwan's government ensures that public opinion can have a role in the legislative process for any trade-related law.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to both

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

Chinese Taipei has set up the Laws & Regulations Database website(<http://law.moj.gov.tw/>) where government agencies can announce draft legislation, as well as providing online channels for anyone to express their views. On February 10, 2015, it also launched the Public Participation Platform (<http://join.gov.tw/>) with the goals of promoting public participation in policy proposals, policy discussion, and policy implementation. It will provide online participation activities, including commenting by anyone on policy issues, following up on policy implementation at any time, and expressing views by anyone to central government ministers; in addition, the website will be open for citizens to submit proposals on their own initiative by the end of June, in order to harness the collective wisdom of the public to improve governance capabilities.

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

Chinese Taipei has stepped up works in enhancing government capability in RIA by holding 6 RIA training programs for civil servants in the latter half of 2014 and has successfully incorporated RIA in regular civil servant training programs starting in 2015. (As of April 2015, 10 training programs have been held.)

Q3: If “no,” are any alternative capacity building activities proposed?

Respondent skipped this question

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

If “yes,” please provide general information regarding such system of evaluation.

Surveys are conducted to collect by participants in capacity building programs.

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

If “yes,” please provide general information regarding such system of evaluation.

Surveys are conducted to collect by participants in capacity building programs.

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Chinese Taipei.

Participants’ self-evaluations and their feedback are a great resource in identifying their own training needs to improve our training programs going forward.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

Chinese Taipei puts great emphases on developing cooperative relationship with regulators in APEC member economies. Under the Sub-Committee on Standards and Conformance (SCSC),

Chinese Taipei has engaged in in-depth discussions with members economies such as on the issues of harmonizing standards in areas like electric vehicle and energy efficiency, regulatory compliance on safety related legislation and regulations for foods and consumer products, and mutual recognition of conformity assessment results, for example, acceptance of test reports for determination of electrical and electronic products safety. Bilaterally, government agencies of the Chinese Taipei also signed agreements with government bodies or private organizations among member economies on the activities of regulatory cooperation under their jurisdiction. For example, the Bureau of Standards, Metrology and Inspection (BSMI), the contact point for APEC SCSC in Chinese Taipei, as of May 2015, has concluded 46 cooperation agreements, including 8 mutual recognition agreements/arrangements (MRAs) with its counterparts in the United States, Canada, Australia, New Zealand, Viet Nam, Singapore and Japan, and 38 agreements or MOUs on the fields of standards, product testing and management systems certification. These agreements/arrangements or MOUs facilitate the alignment of regulatory practices and exchange of experiences between experts on topics of mutual interest.

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If “yes,” please provide general information regarding such technical assistance.

Two related events in Chinese Taipei in 2014 are provided below:

1. On April 30, Chinese Taipei held the two-day Conference on Regulatory Impact Assessment, inviting experts from Australia, New Zealand, Belgium, and Korea to share their experiences in implementing RIA. This has been followed by a series of RIA training courses to further enhance the RIA capacity of our government agencies.
2. On December 2-4, the “WTO-TBT Workshop on Technical Barriers to Trade” was held in Taipei. 41 participants from regulators and academic institutes acquired a deep understanding of the TBT Agreement and related discussions from the presentations delivered by Mr. Devin McDaniels, Economic Affairs Officer of the WTO Trade and Environment Division, and Mr. Dennis Chew, Regional Director of the IEC Asia-Pacific Regional Centre.

Annex “I”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Monita Wong

Position Manager

Contact Information (Office/Address/E-mail) mylwong@itc.gov.hk

Economy Hong Kong, China

Q2: Type of Organization (check all applicable)

Regulatory body

Policy body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

No

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

No

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

The business facilitation and regulatory review program under the leadership of the Financial Secretary coordinates the efforts of all government bureaux and departments (B/Ds), using several specialized bodies. The Business Facilitation Advisory Committee (BFAC) advises on the priority for conducting regulatory reviews of selected sectors and sets up dedicated sector-specific task forces to carry out the reviews. The task forces usually invite the relevant industry stakeholders to take part in the reviews. The BFAC advises and reports to the Financial Secretary on the development and implementation of programs and measures to facilitate

business compliance with Government regulations. This serves as a channel for the senior management of the HKSARG to monitor regulatory reform progress. The Economic Analysis and Business Facilitation Unit (EABFU) was set up under the Financial Secretary's Office in 2004. Under the direction of the BFAC, the EABFU conducts regulatory reviews on specific sectors in the real estate development, wholesale and retail, food business and related services as well as entertainment sectors and coordinates with B/Ds concerned in taking forward business facilitation initiatives endorsed by the BFAC. B/Ds concerned are encouraged to review their regulations periodically and include in their annual action plans of the Be the Smart Regulator Programme regulatory reviews to facilitate trade buy-in support and the formulation of regulatory options that underpin a sound licensing system.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such RIAs.

In Hong Kong, China (HKC), a full Regulatory Impact Assessment (RIA) study is often conducted for major policy proposals. The Government of Hong Kong Special Administrative Region (HKSARG) has issued internal guidelines to ensure that prior to formulating new policies and legislation, all B/Ds are required to assess the impacts of such policies and legislation on government finance, civil service, sustainable development, economy (covering trade, competition, jobs and business compliance cost), productivity, the environment, and human rights and should be submitted to the Executive Council for deliberation. An assessment of the merits of viable regulatory and / or non-regulatory options would also be taken into consideration. B/Ds are also encouraged to conduct business impact assessment studies so that the business compliance costs of their regulatory proposals are duly considered at the early stage of their policy formulation and deliberation process. The findings of the studies can help the B/D concerned refine its proposal to avoid introduction of any unreasonable regulatory/licensing requirements and reduce business compliance costs without compromising public interests.

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

The Government has issued a General Circular to set out the policy and principles of public consultation and the importance of keeping the public informed of the results of consultation as general guidelines for all B/Ds. Generally, consultation papers are made available on the websites of relevant bureaux, departments or regulatory authorities, and are usually accompanied by press releases to inform the public. A business consultation e-platform (<http://www.gov.hk/en/theme/bf/consultation/intro.htm>) has been established under the GovHK portal to provide an additional channel for the business community to access relevant business consultation information on proposed new regulations, administrative measures and procedures that would impact on business and to provide their comments on the proposals directly to the

B/Ds concerned. Its mobile apps are also available for free download from the iPhone App Store and Google Play by searching for “eabfu”.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to a), yes to b)

If “yes” or “yes to both,” please provide the link and/or links to the existing mechanisms below.

Public consultations on regulatory proposals that have impact on businesses are uploaded to the Business Consultation e-Platform (<http://www.gov.hk/en/theme/bf/consultation/intro.htm>)

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

Good regulatory practice (GRP) principles and best practices that have been implemented by bureaux/departments were disseminated within the Civil Service through various means such as intranet on business facilitation initiatives, newsletters, workshops, training courses, seminars, and experience sharing sessions. A Business Impact Assessment framework has been developed to raise B/Ds’ awareness of the implications of their regulatory proposals for the affected trades. EABFU has also developed a Business Compliance Cost framework together with an IT tool to assist B/Ds in assessing the business compliance costs and administrative burdens in a structured and consistent manner, and can be used for ex ante assessment of compliance costs of regulatory proposals and ex post assessment of compliance costs of existing regulations.

Q3: If “no,” are any alternative capacity building activities proposed?

Respondent skipped this question

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Hong Kong, China

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

For example, Hong Kong, China, signed bilateral trade agreements with other APEC Member Economies which facilitate cooperation with other APEC Member Economies in trade matters and, among others, in upholding and enhancing implementation of the Sanitary and Phytosanitary (SPS) Agreement and related matters.

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If “yes,” please provide general information regarding such technical assistance.

In the past few years, Hong Kong, China, participated in workshops organised by APEC Member Economies. Some examples are:

- (1) Capacity building workshop on regulatory impact assessment in 2011;
- (2) “International symposium on food safety risk assessment” under the project “Enhanced Capacity Building for Food Safety Risk Assessment in Asia Pacific” in 2012; and
- (3) Workshop on “Development of a Guideline for the Harmonisation of Pesticide Maximum Residue Limits (MRLs) for Imported Foods within APEC Economies” in 2015.

Annex “J”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Erniningsih Haryadi (Ms.)
Position Head of Centre for Cooperation on Standardization
Contact Information (Office/Address/E-mail) ning@bsn.go.id
Economy Indonesia

Q2: Type of Organization (check all applicable)

Standards body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

AUTHORITY: the Ministry of Law and Human Rights. However, it is just judicial review, not technical review.

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

Regulation which related to Indonesian National Standards (SNI) will be adopted into National Programme of Technical Regulation.

The website address is http://bsn.go.id/uploads/download/Rencana_PNRT_2015-2016.pdf

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If "yes," please provide general information regarding such undertaking by the government.

Normally, the regulation based on SNI will be reviewed per 5 years. But the regulation can also be revised if there are some policy changes that set by regulators. One of the example is if the standard parameters are amended/ revised.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to both

If "yes" or "yes to both," please provide general information as to the conduct of such RIAs. The implementation is not optimum yet due to unavailability of the reference/guideline on RIAs.

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to both

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

For example: Implementation of mandatory SNI for palm oil and toys product, with its revision.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to both

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

Generally, the database containing all relevant regulatory information is uploaded at the Ministry of Law and Human Rights' website. However, there are still some regulations that already established by other Ministries/Institutions which have not been uploaded yet into Ministry of Law and Human Rights' website. These regulations can be accessed in the relevant Ministries and or Institutions respectively.

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If "yes," do these include training on risk assessment or on regulatory impact assessment, among others?

No

Q3: If “no,” are any alternative capacity building activities proposed?

Yes

If “yes,” please provide general information regarding such proposed capacity building activities.

Capacity Building on Public Consultation, conducted by Coordinator Ministry for Economic Affairs.

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Indonesia has already a legal umbrella for GRP, namely Law No. 12/2011 on the Establishment of Legislation, the National Standardization Guidelines (PSN) No. 301/2011 on Guidelines for the Implementation of Mandatory SNI. However, the legal framework needs to be supported by the RIA guidelines. Indonesia is on the view of having a guidelines on RIA is important. For the time being, we just developed Public Consultation Guideline.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

Yes, with the USA and EU

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If “yes,” please provide general information regarding such technical assistance.

Especially the Guidelines of RIA

Annex “K”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Ministry of Foreign Affairs

Position APEC Division

Contact Information (Office/Address/E-mail) apec.japan@mofa.go.jp

Economy JAPAN

Q2: Type of Organization (check all applicable)

Policy body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

On January 23, 2013, “Council for Regulatory Reform” was established in Cabinet Office based on Act for Establishment of Cabinet Office Article 37 Clause 2.

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

Following Prime Minister’s consultation, “Council for Regulatory Reform” comprehensively investigates and discusses the fundamental issues about reforms of regulations necessary for driving economic and social structural reform. The council submits “Report on Regulatory Reform” to Prime Minister every year. Based on the Report, “Implementation Plan for Regulatory Reform” is decided by the Cabinet, which is aimed at immediately starting and steadily achieving reforms of regulations, systems and their applications. You can check the

past “Report on Regulatory Reform” and “Implementation Plan for Regulatory Reform” at the below website (Cabinet Office HP).

http://www8.cao.go.jp/kisei-kaikaku/kaigi/publication/p_index.html

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

Following Prime Minister’s consultation, “Council for Regulatory Reform” comprehensively investigates and discusses the fundamental issues about reforms of regulations necessary for driving economic and social structural reform.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to a), no to b)

If “yes” or “yes to both,” please provide general information as to the conduct of such RIAs.

Based on the Government Policy Evaluations Act, individual administrative organs have been conducting policy evaluation. Further, on the basis of the Cabinet Order for Enforcement of the Government Policy Evaluation Act, individual administrative organs are required to implement ex-ante evaluation of regulations. The Implementation Guidelines for ex-ante Evaluation of Regulations indicate that if it is apparent that the enactment, or revision or abolition of regulations has impacts on competition, such impacts shall be taken into consideration.

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

If “yes” or “yes to both,” please provide general information as to the conduct of such public consultations or hearings.

As a part of “public consultation mechanism”, the Administrative Procedure Act (APA) requires “Organs Establishing Administrative Orders, etc.” to implement the Public Comment Procedure (PCP) when they establish “Administrative Orders, etc.” However, not all procedures are necessarily implemented based on this, because of the provision of exclusion from application, and existence of voluntary public comment procedures. (※“Yes to a” is selected with the understanding that “seeking comments from the public” can be counted as a method of “assess the impact”.)

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to a), yes to b)

If “yes” or “yes to both,” please provide the link and/or links to the existing mechanisms below.

<http://search.e-gov.go.jp/servlet/Public> (Japanese only)

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

The training for policy evaluation, which is being implemented by Ministry of Internal Affairs and Communications (MIC), aims to learn general knowledge required for the policy evaluation. In order to improve the ability of government officials, who are in charge of policy evaluation in each ministry, the training is provided through learning basic knowledge as well as practical training on policy evaluation including regulatory impact analysis.

Q3: If “no,” are any alternative capacity building activities proposed?

Respondent skipped this question

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

If “yes,” please provide general information regarding such system of evaluation. The survey for participants is conducted at the end of the training for evaluation purpose.

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Respondent skipped this question

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

JAPAN - The results of survey are taken into consideration in planning next year’s training program.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

No

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

No

Annex “L”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Donggeun

Position Principle Manager

Contact Information (Office/Address/E-mail) +822-6009-4850/Seoul/dgchoi@ksa.or.kr
Economy Korea

Q2: Type of Organization (check all applicable)

Standards body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

Office of Prime Minister based on Administrative Regulation Basic Act

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

If “yes,” please provide the link to the same below.

Based on Administrative Regulation Basic Act, related Ministries have joint plan and joint meeting

Q5: Does your economy conduct a review of existing significant regulations?

Yes

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to both

If "yes" or "yes to both," please provide general information as to the conduct of such RIAs.

All new regulations should be evaluated by 'Regulation Impact Analysis', and already existing regulations is assessed upon request.

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

Public consultations and hearings are made where necessary

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to both

Annex “M”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Q1: Basic Information

Name: Megat Akbarruddin Megat Ismail

Position: Director, Smart Regulation

Contact Information (Office/Address/Email) : Malaysia Productivity Corporation, Lorong Produktiviti Off Jalan Sultan, 46200 Petaling Jaya, Selangor, Malaysia

Email: megat@mpc.gov.my

Economy: Malaysia

Q2: Type of organization (check all applicable)

Agency under the Ministry of International Trade and Industry

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

The government of Malaysia established the general circular and policy on Good Regulatory Practice “National Policy on the Development and Implementation of Regulations” to facilitate regulatory authorities with the development and implementation of regulations. National Development Planning Committee (NDPC) is responsible for overseeing the implementation of this policy, assessing its effectiveness and recommending improvements.

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

The link to the annual regulatory plan information: <http://ris.mpc.gov.my/wp-content/uploads/2014/09/List-of-ARPP2015.pdf>

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

All regulations are reviewed once every 5 years. This also includes amendments to existing regulations.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) prior to crafting regulations?

Yes to both

If “yes” or “yes to both”, please provide general information as to the conduct of such RIAs.

RIA is a key requirement of the Government’s RIA process. Regulatory Impact Statement (RIS) is a document prepared by the regulator in support of proposals for new regulations, following consultation with affected parties. It formalises and provides evidence of the key steps taken during the development of the proposal, and includes an assessment of the costs and benefits of each option considered. The RIS must be presented to decision makers so that their decision is based on a balanced assessment of the best available information. After a decision has been officially announced, RIS will be published by MPC in consultation with the regulator. This means that RIS is posted on the publicly accessible RIS register maintained by MPC. The National Development Planning Committee (NDPC) oversees the regulatory process with the support of MPC and administers the Government’s RIA requirements.

RIS is applicable to all decisions made by the Government and its agencies that are likely to have a regulatory impact on businesses, unless that impact is minor in nature and does not substantially alter existing arrangements. This includes amendments to existing regulation and regulatory initiatives implemented by way of administrative circulars by any part of the Government that requires mandatory compliance. Minor changes are changes that do not substantially alter the existing regulatory arrangements for businesses or for the non-government sector, such as where there would be a very small initial one-off cost to businesses with no on-going costs. MPC should however be notified when the regulation is issued even in cases where no RIS is required. In the case of an exemption for the preparation of RIS due to the minor or routine nature of the regulation, the regulator may proceed to develop and implement the regulation after approval by the relevant authorities in accordance with the law.

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to both.

If “yes” or “yes to both”, please provide general information as to the conduct of public consultations.

Public consultation ensures informed decision-making and transparency and accountability of Government in the development of regulations. Undertaking public consultation process enhances stakeholders’ confidence in regulatory development and contributes towards greater success in its implementation. Where a proposed regulation has a direct bearing on export

trade, a trade impact assessment should be done. As such, consultation should begin at the earliest possible time when proposed regulations are being formulated.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to both.

If “yes” or “yes to both”, please provide the link and/or links to the existing mechanisms below:

Best Practices Manual:

1. <http://www.mpc.gov.my/mpc/images/file/RR2014/BestPracticeRegulationHandBook.pdf>
2. <http://www.mpc.gov.my/mpc/images/file/RR2014/National-Policy-Book.pdf>

Public Consultation

1. <http://www.mpc.gov.my/mpc/images/file/RR2014/GRPPublicConstultationGuideline/guidelinepublicconsultation.pdf>

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes.

If “yes,” please provide general information concerning such capacity building activities.

1. Hands on Workshop on RIA

MPC conducts workshop on capacity building on Regulatory Impact Analysis (RIA) to enhance technical ability of the trainers in terms of skill, knowledge and competency in RIA application. The main objectives of the training are:

1. To enhance knowledge on RIA application in assisting government to have standardized and systematic process to be in place.
2. To gain in-depth understanding on impact analysis methods and tools
3. To enhance technical ability in terms of skill, knowledge and competency in measurement of integrated RIA framework on quantitative and qualitative metrics

The RIA training is based on in-house requirement from regulators who would like to enhance their RIA knowledge and learn the right approach to implement measures in increasing transparency of the regulatory process, faster consultation of stakeholders and enhancing government delivery system through improved regulations.

2. Briefing on GRP and RIA

This briefing is given to high level government officials in Ministries and Agencies.

Q3: If “no,” are any alternative capacity building activities proposed?

No response.

Q4/Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes.

If “yes,” please provide general information regarding such system of evaluation.

Every capacity building programs organized will have to comply with ISO process, including filling in the evaluation form for participants after the programs end. The implementation of the Quality Management System is one of the steps taken by Malaysia Productivity Corporation (MPC) towards the realization of its vision and mission. Efforts to document the Quality Management System MPC began in 1996 through the Culture of Excellence Movement. MPC was first certified with ISO 9002 version 1994 on 30 May 1998 and upgraded to ISO 9001: 2000 by SIRIM QAS International on 15 April 2002. In 2008 MPC successfully certified with MS ISO 9001: 2008. The scope of certification included four main processes in MPC namely:

- a. Training and Systems Development of Productivity and Quality (P&Q).
- b. Research P & Q.
- c. Promotions P & Q.
- d. Management of Campus (Regional Office)

Q6: How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

ISO process requires evaluation forms to be assessed and analysed. A report will be generated based on the data gathered. Some of the data captured from participants are on the following aspects:

- a. The extent of the objective of attending the program has been met.
- b. The extent to which the program enriched participants' knowledge in the subject matter.
- c. The extent of the program content, whether it is useful and relevant to participants' work.
- d. The impact of the program which contribute to the effectiveness in the participants' work.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes.

If “yes,” please provide general information regarding such cooperation efforts.

The cooperation efforts and networking are as follows:

1. Development and Implementation of Methodologies to Improve the Quality of Regulations and Regulatory Impact Assessments for Enhancing Market Openness, Ensuring Transparency and Promoting Economic Growth" in Mexico City, Mexico where Malaysia shared RIA implementation in the economy.
2. The First Senior Officials' Meeting of 2014 in Ningbo, China where illustrative presentations were given by Malaysia (reducing construction permit delays).

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

No.

Annex “N”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Jesus Lucatero Diaz

Position Director de Normalizacion Internacional

Contact Information (Office/Address/E-mail) Avenida Puente de Tecamachalco No 6
Economy Mexico

Q2: Type of Organization (check all applicable)

Standards body

Regulatory body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

www.economia.gob.mx

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

www.economia.gob.mx

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

www.economia.gob.mx

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to both

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to both

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to both

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

www.economia.gob.mx

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If "yes," do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If "yes," please provide general information concerning such capacity building activities.

Creation of working groups to answer questions at any time in the secretary are to the disposition to serve anyone who needs information

Q3: If "no," are any alternative capacity building activities proposed?

Respondent skipped this question

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Mexico's economy is based on free market. It serves as a basis for knowing the requirements needed as well as a starting point for future assessments.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If "yes," please provide general information regarding such cooperation efforts.

Yes, Mexico has free trade agreements with four APEC member economies (Canada, United States, Chile and Japan), and to date has signed two agreements for the Promotion and Reciprocal Protection of Investments (Korea and Australia)

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If "yes," please provide general information regarding such technical assistance.

Mexico takes advantage of programs of economic and technical cooperation, access to financing and technical training for specific projects related to the facilitation of trade and investment, promote capacity building, human resource development, science and technology, as well as the SMEs, among others.

Annex “O”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Mark Holden

Position Analyst

Contact Information (Office/Address/E-mail) mark.holden@treasury.govt.nz

Economy New Zealand

Q2: Type of Organization (check all applicable)

Policy body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

The Treasury is responsible for managing and monitoring the regulatory management system. We report to both the Minister of Finance and the Minister for Regulatory Reform who share the ministerial responsibility for the regulatory reform portfolio. Our system role is complemented by the Ministry of Business Innovation and Employment’s focus on the impact of regulation on firms. We have had some form of regulatory impact analysis (RIA) requirement on the flow of regulation since 1998. The RIA system has developed and evolved over time. It now has broad coverage and is widely accepted by departments, and expected by Ministers. The best departments have incorporated RIA into their standard policy approach, both improving the quality of their advice and reducing the compliance burden of the regulatory impact statement (RIS) process. The Treasury offers both ad hoc assistance and formal training to departments to help lift capability.

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

There is a requirement for all Ministers to submit draft and then final regulatory plans to the Ministers of Finance and Regulatory Reform. Regulatory plans include all proposals to introduce, amend, repeal, or review regulation. Plans cover Acts of Parliament, as well as secondary and tertiary regulation. A consolidated plan is prepared for Government Ministers by agencies with the Treasury. The plan is used to facilitate prioritisation and coordination of policy. A number of Ministers and departments do, however, publish work programmes (for instance the Tax Policy Work Programme, (<http://taxpolicy.ird.govt.nz/work-programme>), and the Land Transport Rules Programme, (<http://www.nzta.govt.nz/resources/rules/about/rules-in-progress.html>) and, departments’ Statements of Intent and Output Plans may also contain details of some planned regulation.

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

Departments are required to put in place systems for on-going scanning of their existing regulation to identify unnecessary, ineffective or excessively costly regulation. Initially, scanning work focused on documenting departments’ approaches to regulatory scanning, identifying the existing stock of regulation administered by each department, and undertaking a high-level scan of all regulation. In the three years it has been in place, scanning has increased departments awareness of the volume and cumulative effects of regulation. Departments are also using scanning to identify opportunities for regulatory improvement, review and revocation. The Treasury has avoided tools that only focus only on the costs of regulation (such as deregulation programs or sunset clauses), instead encouraging agencies to take responsibility for their regulatory regimes and undertake periodic reviews in collaboration with central agencies and stakeholders. These reviews have been tailored to the relevant regimes, the regulatory objectives, and expectations of stakeholders. High-profile reviews that have the potential to significantly affect economic activity are subject to more oversight by central agencies and by Ministers. The Regulatory Review Programme includes the Government’s most significant regulatory reviews and is one of the measures that ensures the stock of regulation is regularly reviewed. To date, seventeen reviews have been completed and six are currently on the programme. The reviews are monitored by the Economic Growth and Infrastructure Cabinet Committee.

(<http://www.treasury.govt.nz/economy/regulation/programme>)

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to both

If "yes" or “yes to both,” please provide general information as to the conduct of such RIAs.

Regulatory impact analysis is required prior to the development of new regulations and the amendment of existing regulations. Regulatory impact analysis is summarised in a regulatory impact statement. The expectations for regulatory impact analysis in New Zealand can be found in the Regulatory Impact Analysis Handbook

(<http://www.treasury.govt.nz/publications/guidance/regulatory/impactanalysis>)

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to both

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

Consultation is an explicit policy of the Government and one of the key QA criteria. The New Zealand RIA Handbook states that undertaking consultation during the policy development process can result in better quality regulatory proposals that are more likely to achieve their objectives. Standards are set for good consultation practices:

- Continuous
- Timely
- Targeted
- Appropriate and accessible
- Transparent
- Clear
- Co-ordinated

To help ensure that the regulatory process is open and transparent, RISs prepared to support the consideration of regulatory proposals are published at the time the relevant bill is introduced to Parliament, or the regulation is gazetted, or at the time of Ministerial release. The RISs are expected to be published in three ways: • being lodged on the responsible department's website, and on the Treasury website; • including a link to the RIS in the press statement announcing any new policy for which a RIS is required; • a link in the Explanatory Note to bills when they are introduced to Parliament. Bills are publicly available once introduced to Parliament. Public consultation on legislation is undertaken as a part of the select committee's consideration of legislation during the parliamentary process.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to a), no to b)

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

A single website containing all relevant regulatory information for policy makers, regulators, and the general public is anticipated to be launched by July 2015. Although New Zealand does not operate a single online portal for public consultation, most consultation is conducted online. Consultation documents are generally available online and submissions may be submitted electronically.

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

The Treasury provides regular training to departments on the RIA framework. Two different training courses are provided. The first course is for all levels of policy analysts on the RIA process, it covers:

- What is regulation and why does it matter;
- The requirements Cabinet has of departments to carry out RIA;
- What the RIA framework is and how to decide whether RIA needs to be carried out;
- What a Regulatory Impact Statement (RIS) is and how to write an effective RIS; and
- The RIS Quality Assurance (QA) standards.

The course involves plenty of exercises and group discussions; it typically takes three and a half hours to deliver to groups of around 10-20. The second course is for agency RIA panels, covering in detail how to Quality Assure RISs. The course is short and informal covering Cabinet’s QA criteria, what a good RIS looks like, and how to draft a QA statement.

Q3: If “no,” are any alternative capacity building activities proposed?

Respondent skipped this question

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

New Zealand

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

New Zealand has arrangements around regulations that have trans-tasman implications. The Council of Australian Government (COAG) must be consulted when regulatory proposals have Trans-Tasman Mutual Recognition Agreement implications (TTMRA) and vice versa. The New Zealand-China FTA New Zealand contains an agreement on the mutual recognition of conformity assessment for electrical and electronic equipment.

<http://www.chinafta.govt.nz/1-The-agreement/1-Key-outcomes/1-Goods/6-Technical-barriers-to-trade/mra.php>

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

No

Annex “P”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Marie Eorage

Position Director -Economic Committee

Contact Information (Office/Address/E-mail) Department of Prime Minister & NEC
Economy Papua New Guinea

Q2: Type of Organization (check all applicable)

Policy body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

Independent Consumer and Competition Commission

Q4: Do

es your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

ICCC is our regulating body

Q5: Does your economy conduct a review of existing significant regulations?

No

If "yes," please provide general information regarding such undertaking by the government.

I am not sure

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such RIAs.

ICCC but we need to firm up our regulating body

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

No to both

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to both

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

Have to find out

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If "yes," do these include training on risk assessment or on regulatory impact assessment, among others?

No

Q3: If "no," are any alternative capacity building activities proposed?

No

If "yes," please provide general information regarding such proposed capacity building activities.

Capacity building on regulatory priorities and graduate training programs

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Papua New Guinea

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

No

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

Annex “Q”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Rocío Barreda

Position TBT Coordinator

Contact Information (Office/Address/E-mail) rbarreda@mincetur.gob.pe
Economy Peru

Q2: Type of Organization (check all applicable)

Policy body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

No

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

No

Q5: Does your economy conduct a review of existing significant regulations?

No

In spite of the answer, in recent years the Peruvian government has reviewed several regulations in terms of their impact on the investment process and their tacit derogation.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

No to both

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

In the case of technical regulations, under the definition of the TBT agreement, they are subject to public discussion by an average of three months. The competent authority shall analyze the comments received (nationally and internationally), and incorporates the modifications considered appropriate before approving the technical regulation. On the comments are not taken into account, a report is made indicating why they were not considered.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to both

In the case of technical regulations:

<http://www.mincetur.gob.pe/newweb/Default.aspx?alias=www.mincetur.gob.pe/newweb/webregte>

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

We have developed training on good regulatory practices to include the issue RIA. Foreign consultants were involved in these trainings, who developed workshops with regulatory authorities.

Q3: If “no,” are any alternative capacity building activities proposed?

Respondent skipped this question

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

As a result of the training received, some regulatory authorities have already implemented GRP. Regarding to RIA, this is still not implemented but it is expected to apply this procedure in a short time.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

We work closely in subjects related to regulatory cooperation with US, Mexico, Chile and Canada in order to minimize barriers to trade.

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If “yes,” please provide general information regarding such technical assistance.

The Ministry of Foreign Trade and Tourism and the Ministry of Economy have organized workshops on GRP and RIA through international technical assistance in order to train regulatory authorities.

Annex “R”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

Part 1

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Q1: Basic Information:

Name: Carlos Bernardo O. Abad Santos

Position: Director IV

Contact Information (Office/Address/Email) COAbadSantos@neda.gov.ph

Economy: Philippines

Q2: Type of organization (check all applicable)

Policy Body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

No.

Notes/Comments:

The creation of an oversight body that would review regulatory impact assessments (RIA) or regulation impact statements (RIS) formulated by different implementing/regulatory agencies is in the pipeline. The Asian Development Bank (ADB) Assessment Report on RIA suggests that either the Office of the President (OP) or the National Economic and Development Authority (NEDA) could house the proposed Office of Regulatory Impact Assessment (ORIA) as both satisfy the requisite requirements for setting up an ORIA.

The ADB assessment report also suggests the following functions of the proposed ORIA:

1. Review legislations and regulations as well as facilitate and monitor government agencies’ compliance with RIA;
2. Refine and adopt the RIA Handbook on good practice regulation making, preliminary assessments (PAs) and regulatory impact statements (RIS), templates and business processes;
3. Provide training and advice to officials on compliance with RIA requirements and tools;
4. Monitor compliance with PAs and RIS by departments and their attached agencies;

5. Report on the nature and extent of regulation in the economy and the effects of that regulation e.g., producing an annual report on regulation;
6. Coordinate with the National Competitive Council (NCC) on the various department red tape reduction initiatives; and
7. Coordinate with DOF and DBM on initiatives to provide incentives to departments and LGUs to reduce red tape.

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

Not applicable

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

No.

Q5: Does your economy conduct a review of existing significant regulations?

Yes.

The Philippines conducts review of existing significant regulations only to a very limited extent only.

In 2012, the Department of Tourism (DOT) and the Department of Labor and Employment (DOLE), two pilot agencies, underwent capacity building on RIA through a technical assistance from the ADB. Thereafter, RIA has been institutionalized in said agencies, especially DOT who already has a manual on doing the assessment.

In 2014, NEDA followed suit, building on the initiatives of DOT and DOLE and preparing for its oversight role in reviewing the operationalization of RIA in various agencies.

In the pipeline are the following RIA-related activities:

- Expanding pilots: Identification and capacity-building of additional pilot agencies
- Developing a National Outreach Plan on RIA
- Other reform areas: legislature (sunset clause, law review mechanisms)

If “yes,” please provide general information regarding such undertaking by the government.

Among the regulations that were subjected by DOT to RIA are the following:

- Cost-recovery for DOT Accreditation System
- Philippine Commission on Sports Scuba Diving – Rules and Regulations Governing the Business of Sports Scuba Diving in the Philippines
- Travel Tax (or TIAZ fee of PhP1,620)
- Eco-tourism Accreditation
- Duty Free Philippines – Trading Restrictions
- Marine Wildlife Interaction Guidelines
- Philippine Retirement Authority (PRA Participation Fees)
- Intramuros Licenses and Permits
- DOT Accreditation (processes)
- Vendors in National Parks

On the other hand, DOLE conducted RIA on the following:

- Employment of Foreign Nationals in the Philippines
- Apprenticeship Program
- Special Program for the Employment of Students
- Placement Program for Local Employment
- Magna Carta for Filipino Seafarers
- Employment Insurance
- Security of Tenure

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) prior to crafting regulations?

No to both

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

No to both

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to both

Notes: Some agencies may have a database where their regulations are contained, but the Philippines has no single online location containing all relevant regulatory information. Neither does it have a system for online public consultation specific for regulatory review

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

NEDA has been conducting series of capacity building initiatives on RIA. After establishing an inter-staff group within the agency, the representatives of each staff attended the following:

- Orientation Workshop on RIA
- Workshop on Cost-Benefit Analysis
- Workshop on Deepening of Regulatory Options

Currently, NEDA is in the process of completing four (4) regulatory impact statements on regulations involving agriculture, transportation, environment and shipping.

Q3: If “no,” are any alternative capacity building activities proposed?

Respondent skipped this question

Q4/Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No.

Notes: Nonetheless, NEDA conducted a training needs assessment (TNA) prior to the RIA workshops.

Q6: How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

No response.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

No.

NOTES / COMMENTS:

NEDA participated in various workshops conducted by other APEC economies such as Malaysia and Mexico.

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If “yes,” please provide general information regarding such technical assistance.

ADB provides technical assistance to NEDA regarding the institutionalization of RIA within the agency. Likewise, NEDA participated in various workshops conducted by other APEC economies such as Malaysia and Mexico.

Annex “S”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Benjamin Tan

Position Senior Assistant Director

Contact Information (Office/Address/E-mail) MTI_APEC@mti.gov.sg

Economy Singapore

Q2: Type of Organization (check all applicable)

Standards body

Accreditation body

Regulatory body

Policy body

If others, please specify: SPRING Singapore, a statutory board under the purview of the Ministry of Trade and Industry, is the national standards and accreditation body. SPRING Singapore one of three national enquiry points under the TBT Agreement; the others are the Agri-Food and Veterinary Authority (AVA), and the Ministry of Trade and Industry.

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

No

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

Standards, Productivity and Innovation Board Act (CHAPTER 303A)

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

Singapore's Smart Regulation Committee (SRC) seeks to improve the knowledge, awareness and practice of regulation across the public service.

Q5: Does your economy conduct a review of existing significant regulations?

No

If "yes," please provide general information regarding such undertaking by the government.

There is no systematic review of existing significant regulations. However, we do we review regulations from time to time on a case by case basis.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

No to both

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

Public consultations are conducted via (i) the regulatory agencies and/or (ii) through the www.reach.gov.sg which is the Singapore Government's lead agency for seeking public feedback

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to a), yes to b)

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

Through www.reach.gov.sg

Annex “T”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Suthathip Sukhsen

Position Foreign Relations Officer

Contact Information (Office/Address/E-mail): International Affairs Division, Thai Industrial Standards Institute, suthathipss@gmail.com

Economy Thailand

Q2: Type of Organization (check all applicable)

Regulatory/Standards body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

Office of the Council of State of Thailand is the central authority to oversight of all of the regulations. The information relevant to this entity can be accessed through website <http://www.krisdika.go.th/>

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

The regulatory authorities are able to conduct a voluntary mechanism for regulatory reform regarding Thai constitution. There is also the National Reform Council whose one of the responsibilities is to follow up and provide recommendations on the regulations. The information can be accessed through website www.parliament.go.th

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

- Law Reform Commissioners is responsible for
 1. Conduct scholarly surveys, research and analysis and provide research support to contribute to the formulation of policy, goals, plans and measures to implement the provision of (2)
 2. Revise and develop national law, making them consistent with the Constitution through the process that ensuring public participation.
 3. Propose or provide advice to the Cabinet on the enactment plan or amendment of legislation, by providing an overview of any proposed law or group of related laws.
 4. Prepare annual reports on the results of LRC activities for submission to the cabinet and Parliament, and for dissemination to general public with ensuring ready access to the information contained therein.
<http://www.lrct.go.th/en/>
- In case of standards, review of existing compulsory standards will be periodically reviewed every 5 years.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

No to both

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

If "yes" or “yes to both,” please provide general information as to the conduct of such public consultations or hearings.

The draft regulations have to be conducted public hearings and available for public review and input. These include:

- Prior notification of regulatory development to the public
- Stakeholder could submit written opinion, comment and recommendation.
- if necessary, face-to-face meeting will be held to the general public.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

No to both

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If “yes,” do these include training on risk assessment or on regulatory impact assessment, among others?

No.

Q3: If “no,” are any alternative capacity building activities proposed?

Yes

If “yes,” please provide general information regarding such proposed capacity building activities.

Thai Food and Drug Administration initiated has begun preparation for the agency on GRP by developing the quality management system to enhance the implementation of technical regulations in accordance with ASEAN GRP. The project began with educating personnel of the relevant departments in the FDA and made pre-assessment analysis (Situation Analysis) to analyze the gap between the present operations and the international standard (Gap Analysis). The analysis found significant gaps that needed to be done are the Risk Impact Assessment (RIA) and the incompleteness of the FDA Regulatory Impact Statement (RIS). In 2011, the Planning and Research Department of the Office of International Affairs has prepared draft guidelines for regulatory impact assessment and a statement format about legal impact using appropriately as a template for FDA agencies. There were four agencies selected for case study, which are the Food Control Division, Hazardous Substances Control Division, Narcotic Control Division and the Medical Devices Control Division. The Office of International Affairs was in charge of the knowledge and skills development on guidelines for assessing the impact of regulation for involved authorities and workshops on "The approach to the synthesis of regulatory impact assessment and a statement format about legal impact". This workshop was for all those involved in regulatory to recognize principles of regulatory impact assessment under the ASEAN GRP.

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Yes

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

Thailand. The evaluation report is crucial element to reflect what we have done to improve our capacities and provide what should be done for the future to achieve our objective as well.

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

Through APEC Sub-fora’s activities

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

Yes

If “yes,” please provide general information regarding such technical assistance.

Getting knowledge and exchanging member economies’ experiences from various APEC GRPs workshops/conferences.

Annex “U”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name Alex Hunt
Position Branch Chief
Contact Information (Office/Address/E-mail) ahunt@omb.ep.gov
Economy USA

Q2: Type of Organization (check all applicable)

Policy body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

Paperwork Reduction Act

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

Yes

If “yes,” please provide the link to the same below.

<http://www.reginfo.gov/public/do/eAgendaMain>

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

Executive Orders 13563 and 13610 direct US Agencies to retrospectively analyze existing regulations that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with lessons learned. Such retrospective analyses are made publicly available on a bi-annual basis in an effort to promote an open exchange with regulatory stakeholders.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such RIAs.

Agencies evaluate the costs and benefits of all significant regulatory proposals, with full-blown RIAs required for proposals with annual impacts over USD 100 million. The Regulatory Flexibility Act imposes additional analytic and consultation requirements if there is "a significant economic impact on a substantial number of small regulated entities."

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

Yes to a), no to b)

If "yes" or "yes to both," please provide general information as to the conduct of such public consultations or hearings.

The Administrative Procedure Act governs the rulemaking process in the United States, requiring agencies to provide public notice and seek comment prior to issuing new regulations or revising existing ones.

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to a), no to b)

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

https://www.whitehouse.gov/omb/inforeg_regmatters; <http://www.regulations.gov>

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If "yes," do these include training on risk assessment or on regulatory impact assessment, among others?

Yes

If “yes,” please provide general information concerning such capacity building activities.

The Office of Management and Budget (OMB) provides written guidance to regulatory agencies on various regulatory and information policies, including OMB Circular A-4 on “Regulatory Analysis.” OMB staff also provide briefings to agencies on these issues.

Q3: If “no,” are any alternative capacity building activities proposed?

Respondent skipped this question

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

USA

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

Yes

If “yes,” please provide general information regarding such cooperation efforts.

The United States currently participates in two Regulatory Cooperation Councils (RCCs) that address significant, cross-cutting international regulatory cooperation activities: the United States-Canada Regulatory Cooperation Council and the United States-Mexico High Level Regulatory Cooperation Council. The President and his respective counterparts in Canada and Mexico directed the creation of these RCCs with a mandate to engage in sector-specific regulatory cooperation.

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

No

Annex “V”

8TH CONFERENCE ON GOOD REGULATORY PRACTICE

Implementation of Good Regulatory Practices

through the Use of the Three Optional Tools and Capacity Building Initiatives

SURVEY QUESTIONS

This Survey consists of three (3) portions, namely: “Basic Information,” “Good Regulatory Practices,” and “Capacity Building.”

The individual answers to the Survey are indicated below:

Part 1

Q1: Basic Information

Name nguyen van KHOI

Position Deputy Director

Contact Information (Office/Address/E-mail) nguyenvankhoi@tcvn.gov.vn

Economy Viet Nam

Q2: Type of Organization (check all applicable)

Regulatory body

Q3: Does your economy have a central body or authority (such as a specific agency or “task force”) explicitly tasked with the oversight of regulations?

Yes

If “yes”, please provide the title of the law authorizing the entity or the link to the same.

Law on Standards & Technical Regulations: appoint the Ministry of Science & Technology takes charge of overseeing the technical regulations

Q4: Does your economy have a voluntary mechanism for regulatory reform, such as an annual regulatory plan?

No

Q5: Does your economy conduct a review of existing significant regulations?

Yes

If “yes,” please provide general information regarding such undertaking by the government.

According to Law on Standards & Technical Regulations, the technical regulations are regularly screened every 5 years.

Q6: Does your economy conduct mandatory regulatory impact assessments (RIAs) a) prior to crafting regulations and b) on already existing regulations?

No to both

Q7: Were public consultations or hearings held in order to assess the impact of a) trade regulations to be drafted and b) already existing trade regulations?

No to both

Q8: Does your economy a) have a single online location or web database containing all relevant regulatory information, such as best practices manuals, descriptions and explanations or b) conduct public consultation online or through e-rulemaking programs?

Yes to both

If "yes" or "yes to both," please provide the link and/or links to the existing mechanisms below.

www.vietlaw.gov.vn

Part 2

Q1: Does your economy implement capacity building activities, specifically for regulators, government officials, and other relevant stakeholders?

Yes

Q2: If "yes," do these include training on risk assessment or on regulatory impact assessment, among others?

No

Q3: If "no," are any alternative capacity building activities proposed?

Yes

If "yes," please provide general information regarding such proposed capacity building activities.

Education on how to clarify the subjects/scale/measures which applicable to technical regulations; the procedures to develop, issue and take force the regulations effectively...

Q4: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q5: Is a system for evaluating the effectiveness of these capacity building activities present in your economy?

No

Q6: What is your economy? How does this system of evaluation translate to improving capacity building activities in your economy? Please provide general information.

at present we do not have this system of evaluation

Q7: Does your economy have existing cooperation efforts (such as regulatory cooperation) with other APEC Member Economies?

No

Q8: Does your economy avail of technical assistance provided by donor international agencies or other APEC Member Economies for good regulatory practices?

No