Discussions and Development in APEC

- MIKTA Workshop on Disciplines of Domestic Regulation for Facilitating Trade in Services (WTO, 11/14/2019)

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1. APEC in Short

□ APEC is the premier forum to build an *Asia-Pacific Community* by TILF and ECOTECH

○ *APEC Economic Leaders’ Meeting (ALEM)* every year since 1993
  - Connecting AELM, AMM, SOM and various fora (about 70 including sub-fora)

□ “*APEC means business*”: making it easier to do business

○ the *Bogor Goals* (1994) of free and open trade and investment
  - e.g. *Trade Facilitation Action Plan* with reduction in costs at the border

□ Smoothing out differences in regulations is a relatively recent focus

○ to address behind-the-border barriers, improve regulatory practices
2. Structural Reform in APEC


  o priorities: good regulatory reforms, competition policy, public sector governance, corporate governance, strengthening economic & legal infrastructure

- Toolkit for Structural Reform

  o a single gateway to various materials for promoting structural reform - e.g. Structural Reforms for Inclusive Growth, APEC Ease of Doing Business (EoDB) Action Plan, Good Regulatory Practice Guide, Good Practice Guide on Public Sector Governance, APEC-OECD Integrated Checklist on Regulatory Reform, etc.
3. APEC Principles for Cross-Border Trade in Services (2009)

- services sector as a driver of economic growth, employment, and competitiveness, APEC recognize the following non-binding principles

A. Promotion of Open Services Markets
- MFN Treatment, National Treatment
- Local Presence (not require), Number of Service Suppliers (not limit)
- Progressive Liberalization (& refrain from introducing new measures)

B. Regulatory Principles
- Right to Regulate (to meet public policy objectives)
- Requirements and Procedures (fair, transparent incl. license/authorization)
- Regulatory Cooperation (sharing information, developing mutually acceptable standards and criteria for licensing and certification, e.g. MRA)
C. Principles to Enhance Transparency and Predictability
- Publication (of laws, regulations, procedures, and administrative rulings)
- Regulatory Procedures (for authorization), Provision of Information

D. Principles to Facilitate Services Delivered Electronically
- Consumer Protection for Electronic Transactions
- Enabling of Cross-Border Information Flows (to facilitate)
- Copyright Protection for Works Distributed Over the Internet

E. Principles to Facilitate Services Delivered Through the Presence of Natural Persons
- Business Mobility (subject to domestic laws and policies)
- Recognition (for licensing and authorization of natural persons)

F. Scope of Application
- Intended to apply to measures taken by central, regional and local governments
4. APEC Services Cooperation Framework and APEC Services Competitiveness Roadmap

□ APEC Services Cooperation Framework (ASCF, endorsed in 2015)
o Committed to “develop a strategic and long-term *APEC Services Competitiveness Roadmap* with a set of actions and targets by 2025”

□ APEC Services Competitiveness Roadmap (ASCR, 2016-2025)
o To address factors constraining services trade and investment, such as:
  - restrictions that increase services costs (domestic and foreign)
  - policies that limit consumer choice, constrain the competitive pricing
  - lack of reforms to improving the productivity, competitiveness, quality of services
  - shortage of programs and opportunities that promote the greater participation
5. APEC Non-binding Principles for Domestic Regulation of the Services Sector (2018)

- As one of the APEC-wide actions in ASCR 2016-2025
  - Korea held a Workshop in 2017, another for Sharing Best Practices in 2019

- APEC Economies recognize the following non-binding principles:

  A. General Principles
  B. Administration Measures
  C. Independence
  D. Transparency
  E. Technical Standards
  F. Development of Measures
  G. Other Areas
A. General Principles
- Apply to measures by members, including by non-governmental bodies
- Measures are administered in a reasonable, objective and impartial manner

B. Administration Measures
- Submission of Applications (avoid more than one competent authority)
- Application Timeframes (permit to submit an application throughout the year)
- Electronic Applications (endeavor to accept), Processing of Applications
- Fees (reasonable, transparent), Examinations (reasonably frequent intervals)

C. Independence
- competent authority decisions for authorization in an independent manner
D. Transparency
   - Publication and Information available (authorization, requirements, procedures, contact information, fees, technical standards, etc.)
   - Enquiry Points (appropriate mechanisms), Opportunity to Comment

E. Technical Standards
   - Develop through open and transparent processes

F. Development of Measures
   - Measures (objective, transparent criteria), Procedures (impartial, adequate)

G. Other Areas
   - Supporting recognition (professional qualifications, licensing, registration)
   - Business Names (use in other Economy is not arbitrarily restricted)
6. Implications

- APEC emphasizes both regulatory reform and capacity building
  - build on previous efforts as APCBTS (2009), ASCF(2015), ASCR (2016), etc.
  - Leaders’ guides empower and stabilize discussion, implementation

- Principles, roadmap, toolkits, targets, guiding indicators helpful
  - cross-fora collaboration in APEC, outreach efforts (with private/business sectors, other regional and international organizations)

- APEC also emphasizes to develop SMEs and address issues from recent progress of digital economy (e.g. AIDER, 2017)

- Competition and Cooperation
  - as key disciplines of domestic regulation to facilitate trade in services
Thank you!

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