



**Asia-Pacific
Economic Cooperation**

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

APEC's Bogor Goals Progress Report



APEC Policy Support Unit
August 2014

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INTRODUCTION

Since 1994, the Bogor Declaration provided guidance on how to achieve economic cooperation and growth within APEC by adopting “the long-term goal of free and open trade and investment in the Asia-Pacific”, which is commonly known as the Bogor Goals. Through the years, the Bogor Goals has remained as the inspirational strength behind APEC’s agenda.

In 1995, the Osaka Action Agenda was developed to set out individual and collective action guidelines in 15 areas towards achieving the Goals. Subsequently in 2005, a midterm stocktake was carried out to analyze APEC’s performance and identify challenges that hinder the progress towards achieving these goals. In 2010, an assessment of APEC’s progress towards the Bogor Goals showed that substantial progress had been made by APEC industrialized and developing economies, but more work needed to be done en-route to 2020.

In 2011, APEC Senior Officials agreed to conduct a periodical assessment of the progress towards the Bogor Goals every two years starting in 2012. The 2012 assessment showed that efforts in trade liberalization were significant, but uneven across sectors and non-tariff measures still remained. Similarly, it pointed out that trade facilitation, services and investment were becoming very relevant areas in the pursuit to improve business conditions.

In July 2013, APEC Senior Officials tasked the Policy Support Unit (PSU) to review in 2014 the progress of APEC member economies towards the Bogor Goals. This report follows the guidelines previously used in the 2012 assessment of the Bogor Goals and highlights the achievements and remaining areas for improvement.

The 2014 Bogor Goals Progress Reports use mostly qualitative information to describe the main achievements and shortcomings by APEC member economies, in the areas listed under the 1995 Osaka Action Plan and new areas that acquired relevance in recent years due to the changing trade policy environment. The main input in the preparation of these reports was the information directly submitted by APEC member economies through their Individual Action Plans (IAP). Should information gaps exist, PSU has referred to other credible public sources, such as WTO Trade Policy Reviews, to complete these reports.

In general, the analysis of the information shows that progress has been uneven across APEC economies and across areas. It is clear that more work needs to be done. Whilst several areas such as services, customs procedures (time to trade), government procurement, competition policy, regulatory reform, intellectual property rights and mobility of business people, among others, showed encouraging results since the previous assessment conducted in 2012; other traditional areas such as tariffs, non-tariff measures, standards and conformance and customs procedures (cost to trade) experienced very modest progress or setbacks.

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APEC

APEC's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Marginal reduction of the APEC average MFN tariff after 2010. While MFN tariffs in non-agricultural products declined, agricultural products faced increasing MFN average tariffs.
- APEC economies reported progress concerning the elimination of some non-tariff measures (NTM). However, new NTMs have been imposed in recent years and the accumulation of NTMs continues restricting trade.
- Conditions for foreign services providers are improving in some sectors (for example, telecommunications). Some restrictions remain in terms of market access, national treatment and local presence. Local content requirements are frequent in some sectors.
- Relaxed conditions for foreign ownership. APEC economies are trying to attract investors by improving tax conditions and providing legal stability.
- Efforts to align to international standards. Active participation in international organizations in charge of standardization matters. Specific trade concerns have increased over the last few years.
- Intensive efforts to implement initiatives in customs to facilitate and secure trade through expansion of single windows and Authorized Economic Operators (AEO) and the use of modern technology and risk assessment techniques.
- The enforcement of intellectual property rights (IPR) is a prominent trend in some APEC economies, but needs to be improved in others. IPR-related regulations are being amended to adjust to recent developments.
- Legal frameworks of competition policy are improving across APEC. Increasing number of APEC economies are implementing competition policy laws and special institutions have been established to be in charge of competition-related issues.
- Restrictions on participating in government procurement have been reduced in some APEC economies. There are efforts to increase transparency through the implementation of electronic procurement systems.
- Initiatives in many APEC economies are underway to reduce costs to doing business and improve the rulemaking process. Regulatory reforms are assisting APEC economies to improve competitiveness.
- The network of RTA/FTAs continues to expand. There are many trade negotiations underway, including those involving more than two APEC members such as the Trans-Pacific Partnership Agreement (TPP) and the Regional Economic Comprehensive Partnership (RCEP).

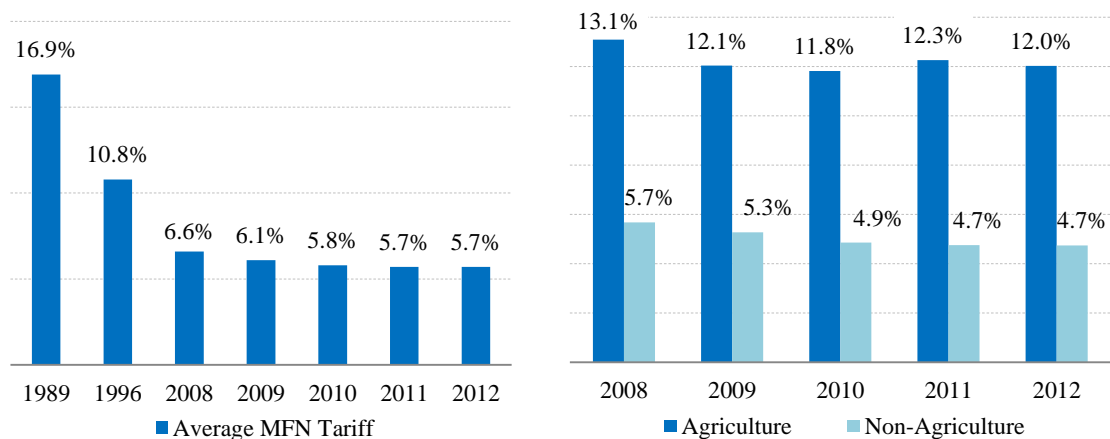
* This brief report was prepared with information from the submissions of the 2014 APEC Individual Action Plan (IAP) templates; recent WTO Trade Policy Reviews for individual APEC member economies; the WTO SPS and TBT Information Systems; the WTO Overview of Developments in the International Trading Environment – Annual Report by the Director-General (Document WT/TPR/OV/16, January 2014); and information from the World Bank, World Economic Forum and official government websites.

Summary of Topics

Tariffs

In recent years, average MFN tariffs in the APEC region show that unilateral tariff liberalization has not made much progress. The Global Financial Crisis refrained most economies from implementing policies to reduce MFN tariffs. From 2010 to 2012, average MFN tariffs only went down slightly from 5.8 per cent to 5.7 per cent. Tariffs in agriculture remain higher in comparison to other sectors. Whilst tariffs in non-agricultural products declined from 4.9 per cent to 4.7 per cent; tariffs in agricultural products went up from 11.8 per cent to 12.0 per cent.

Chart 1 – Average MFN Tariffs in the APEC Region



Source: WTO World Tariff Profiles (several years) and APEC Secretariat, Policy Support Unit.

The percentage of zero-tariff product lines in APEC also decreased marginally from 45.5 per cent to 45.4 per cent. However, tariff peaks fell in APEC, since the percentage of product lines with average MFN tariffs equal or greater than 10 per cent declined from 14.7 per cent to 14.2 per cent.

Tariff liberalization in APEC seems to have occurred more at the negotiated level through the implementation of RTA/FTAs. In fact, the number of RTA/FTAs in force has increased significantly between 2011 and 2013 (please refer to section on RTA/FTAs). Besides, signatory parties have been continuing the implementation of the tariff liberalization schedules included in trade agreements that entered into force many years ago (for example, some RTA/FTAs include full liberalization periods for a group of products, that exceed 10 years).

Non-Tariff Measures

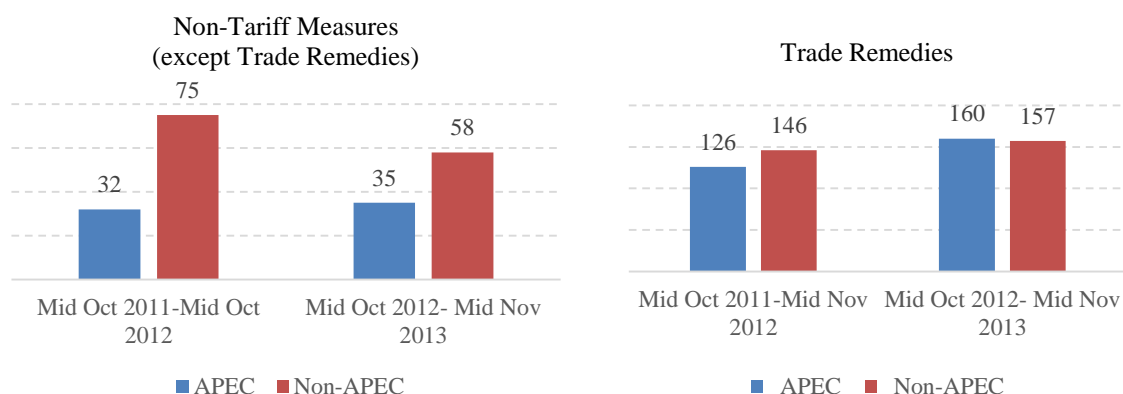
As a general rule, APEC economies reported that the application of import/export prohibitions, restrictions or licensing is based on legitimate reasons such as the protection of public health, safety and environment, the need to maintain domestic security; or the importance to keep consistency with international treaties. APEC economies usually point out that when these measures are in force, they are consistent with WTO rules.

Many APEC members reported that they do not apply quantitative restrictions, levies or subsidies. Few APEC economies reported progress in their Individual Action Plan (IAP) updates concerning the elimination of non-tariff measures (NTMs) applicable to specific or a group of products. The elimination of licenses has been one of the most common measures.

Conversely, some APEC economies also reported new NTMs by increasing export restrictions or taxes, especially with regards to raw materials or products with low value-added.

The concern about an accumulation of new trade restrictions and initiation of trade remedy actions has also been highlighted by WTO in a report presented at the Trade Policy Review Body. According to the WTO, the accumulation of these measures is “holding back the potential for trade to raise incomes, create jobs and advance economic development”¹. While the number of NTM measures affecting trade by APEC has usually been lower than those by the rest of the world, records show that those measures have increased in both APEC and the rest of the world between mid-October 2012/mid- November 2013, in comparison to similar period a year earlier.

Chart 2 – New NTMs Affecting Trade



Source: WTO Overview of Developments in the International Trading Environment, Annual Report by the Director-General, 31 January 2014. Calculations by the APEC Secretariat, Policy Support Unit, based on information from Chapter 3 and Annex 3 of the report.

Services

APEC members have reported an increase in the participation of foreign companies in a number of services sectors. Governments are unilaterally increasing competition by improving market access requirements for foreign firms or by extending licenses to additional players, including to foreigners. Telecommunications is the sector where competition seems to have benefitted the most from these more open market conditions. Among other services sectors, some APEC economies reported better terms for foreign participation in the financial services (in particular, in the securities industry), broadcasting, energy-related services, legal services, health-related services, postal and courier.

¹ See WTO, Overview of Developments in the International Trading Environment, Annual Report by the Director-General, Document WT/TPR/OV/16, 31 January 2014, p.3.

APEC economies have also been encouraging more trade in services by providing more certainty regarding market access and national treatment conditions through the negotiation of FTA/RTAs including deeper commitments than those agreed in GATS. In addition, some APEC members that acceded to WTO in recent years have offered greater services commitments than members who were initial GATS signatory parties.

Regulatory frameworks have been modified in certain sectors to reduce market risk. For example, some economies have tightened capital requirements or imposed a maximum cap for single stakeholders in financial institutions.

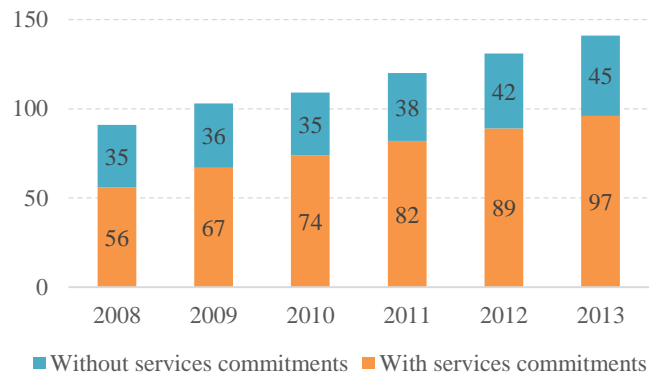
Some restrictions still remain. For example, local content requirements can be frequently found in broadcasting sector. In addition, restrictions in terms of market access, national treatment and commercial presence to provide a service are common in some sectors (e.g. domestic transportation).

Investment

APEC economies recognize the importance of attracting and promoting investments, including from foreign sources, to contribute to economic growth. In general, APEC economies have been implementing policies to improve investment conditions. Many economies have relaxed conditions for foreign ownership in particular sectors and offer investors no restrictions in terms of repatriation of capital, profits or royalties. It is also common to find policies offering lower taxes or agreements for double taxation avoidance to attract investors. In order to provide legal stability, it has been common practice to sign bilateral investment treaties (BITs). Furthermore, there has been efforts to attract foreign direct investment (FDI) by simplifying administrative procedures.

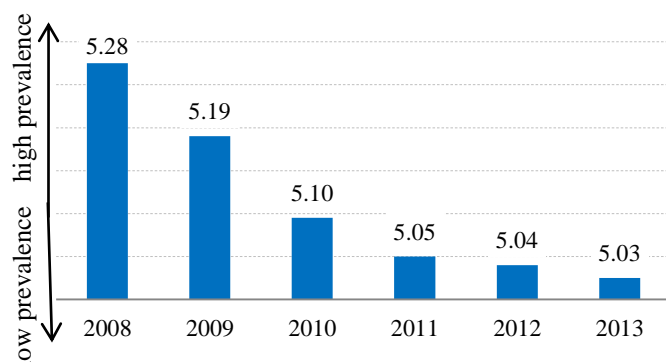
However, for investors, there is a perception that the investment environment has not changed much, or it has worsened, due to persisting investment barriers in some sectors. In terms of investment restrictions, it is common to find mechanisms such as the use of a negative list with sectors, where FDI are not allowed or are restricted. The use of investment thresholds to screen investments above a specific amount has been a tool to restrict foreign investments as well. Usually, foreign investments are prohibited or restricted in activities

Chart 3 - RTA/FTAs in force in APEC with Services Commitments



Source: APEC Secretariat

Chart 4 - Perception in the Prevalence of Foreign Ownership (1=very low, 7=highest)



Source: World Economic Forum, Global Competitiveness Report

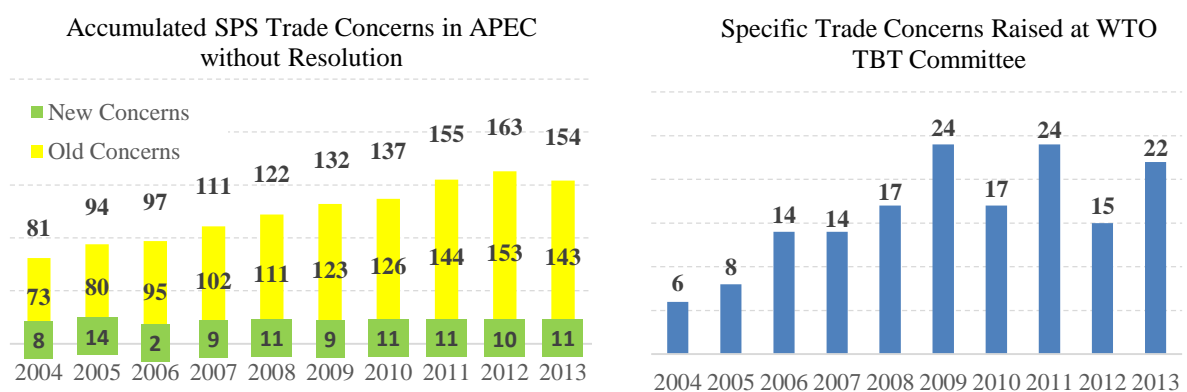
such as those considered of strategic interest (e.g. security, provision of natural resources, and the environment) and associated to the promotion of cultural values (e.g. media).

Standards and Conformance

APEC economies reported that their purpose to implement technical standards/regulations and sanitary and phytosanitary measures is to protect public health, security and safety. In order to facilitate trade, efforts have been made across APEC to align domestic standards to international standards, by following guidelines of the International Standardization Organization (ISO), International Electrotechnical Commission (IEC) and Codex Alimentarius, among others. In addition, initiatives related to harmonization, equivalence and mutual recognition have been reported, as well as the recognition of more conformity assessment bodies in some APEC economies.

Despite efforts to apply measures that are not distorting trade, the WTO SPS and TBT Committees have recorded increasing specific trade concerns by WTO members worldwide regarding APEC economies applying measures that might be trade restrictive. Within the TBT Committee, the number of new concerns in the period 2009-2013 appears to be greater than that for the period 2004-2008. Similarly, at the SPS Committee, the accumulated number of concerns that did not report any resolution increased every year until 2012.

Chart 5 – Specific Trade Concerns Reported in WTO SPS and TBT Committees



Source: WTO SPS and TBT Information Systems

Customs Procedures

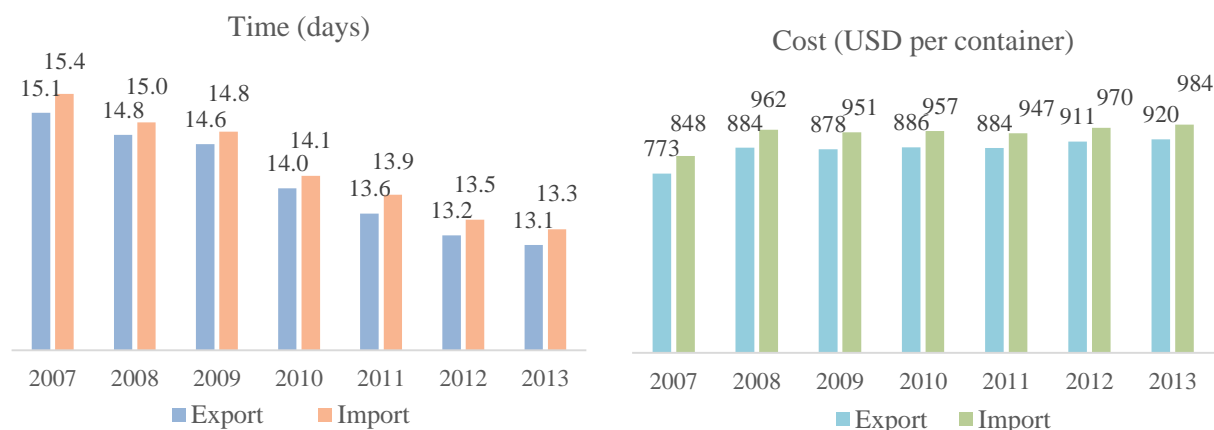
All APEC economies have reported progress in facilitating trade through the simplification of customs procedures. The implementation and expansion of Single Window, Authorized Economic Operator (AEO) programs and non-intrusive inspection systems through modern scanners are reducing the time to export/import. Likewise, APEC economies are reporting efforts to implement or improve risk management techniques.

Many customs administrations with well-established AEO programs are starting to sign Mutual Recognition Agreements (MRAs) with counterparts to expand the coverage. Other cooperation initiatives involve exchange of information and joint efforts to combat illicit activities.

In recent years, time to export/import a container has been faster in APEC. In 2013, it was more than 0.5 days faster in comparison to 2011 and more than 1.5 faster than in 2008. However, cost to trade has increased, which can be partially explained by the additional investments in

ports to meet security requirements, which has transferred part of the cost to traders; and increasing cost of transportation from economic centers to the ports, due to higher fuel prices².

Chart 6 – Time and Cost to Export and Import by APEC³



Source: World Bank, Doing Business

APEC economies contributed to the successful conclusion of negotiations of a WTO Agreement on Trade Facilitation at the Ninth Ministerial Conference (MC9) in Bali, Indonesia, in December 2013. It establishes new multilateral rules to increase the efficiency of customs and other border procedures, as well as to reduce “at-the-border” costs of doing business. This agreement can benefit SMEs for whom border red tape and delays can be particularly burdensome.

Intellectual Property Rights (IPR)

In order to strengthen the IPR system, APEC economies proceeded by creating or amending laws and regulations, signing international IP treaties and improving the collaboration with authorities to investigate cases on alleged violations of IPR. The advancement of new technologies and the emergence of new digital tools and platforms have motivated many APEC economies to amend their laws and regulations (such as copyright, patent, trade mark and industrial design acts) in order to adapt them to the recent developments and be more effective in fighting and preventing IP related crimes. These changes also include increasing penalties for those infringing the law.

Many APEC members have reported signing, ratifying or putting in force international IP treaties such as the Madrid Protocol (on registration of trade marks), the Hague Agreement (on industrial designs), the Marrakesh Treaty (on access to published work to blind or visually impaired persons), the WIPO Copyright Treaty, the Beijing Treaty (on audiovisual performance) and the Singapore Treaty (on the Law of Trade Marks), among others.

² The Doing Business indicators on cost to trade do not consider the cost of the maritime transportation, only the inland cost between the economic center and port in each economy.

³ The cost to export/import a container is expressed in USD nominal values, keeping consistency with the agreed indicators that appear in the APEC Bogor Goals Dashboard. If these values are inflation-adjusted, the cost to export/import in APEC is still higher now in comparison to those before the Global Financial Crisis. Using USD 2005 constant values, the cost to export went up from USD 728 to USD 771, while the cost to import increased from USD 799 to USD 825 between 2007 and 2013.

Efforts have also been reported in improving law enforcement and improving the operational capacity of the institutions in charge of IPR matters. However, concerns remain with regards to recurrent infringements of IPR in some APEC economies. Despite the efforts that are underway, the existing conditions can still be improved.

Competition Policy

Some APEC economies reported the introduction of new bills or amendments of existing regulations to promote competition, as well as the guidelines on topics such as mergers and competition compliance programs to reduce the incidence of anticompetitive practices in the market. It is also common to find APEC economies establishing specialized courts for competitive-related cases, and highlighting administrative progress in completing investigations (for mergers and acquisitions) and alleged cases of anticompetitive practices. Tougher sanctions for infringement on competition-related matters were implemented in some cases.

In APEC economies, where competition policies were recently implemented, it has been common to set up new institutions to be in charge of these matters. In certain cases, these institutions have been entitled to be autonomous from the government in conducting their investigations.

Government Procurement

In general, APEC economies have been working on initiatives to improve government procurement practices to help ensure value for money, open and effective competition, fair dealing, accountability and transparency. A common reported feature has been the implementation of electronic public procurement systems to streamline processes and make them more transparent. Some APEC economies also reported the issuance of new guidelines for certain procurement processes.

Many economies have procurement systems in which foreigners face specific restrictions to participate in tenders. It is common to find systems that grant preferences to local companies or allow the participation of foreigners only in certain tenders (e.g. when it is not possible to get a local supplier or when the tender is above an established value). However, it has also been found that some economies have been reducing some of the restrictions to the participation of foreigners.

Seven APEC economies are currently part of the WTO Government Procurement Agreement. Eight more economies are observers of or negotiating their accession to this agreement.

Deregulation/Regulatory Reform

There is a common understanding in the APEC region to work on initiatives to reduce the regulatory burden for individuals and companies, and reduce the cost and time to doing business. Online platforms are becoming a popular way to reduce administrative paperwork. Regulatory reforms are seen as one of the avenues to improve competitiveness by sparking an increase in productivity.

Many of the initiatives reported by APEC economies are related to ways to improve the rulemaking process by using mechanisms of public consultation and requesting Regulatory Impact Assessments (RIAs). Indeed, the perception is that the use of RIA across APEC is increasing. Most of the RIA procedures are ex-ante (i.e. to analyze a proposal), but there is

interest to use ex-post RIA in order to review the effectiveness of the regulations in force and propose fine-tuning of the regulations, if necessary.

Dispute Mediation

APEC economies have put dispute mediation systems in place. In some cases, legislation has been introduced or amended in order to provide independence to arbitral processes, facilitate enforcement of arbitral awards and encourage the use of alternative dispute resolution mechanisms.

The use of dispute settlement is available in RTA/FTAs and in BITs. They establish clear procedures by which parties can choose a relevant mechanism to submit their disputes.

Mobility of Business People

19 APEC members have fully implemented the APEC Business Travel Card (ABTC) system. The remaining two APEC economies are transitional members of the scheme.

The number of ABTC cardholders has increased in recent years. By the end of 2010, there were nearly 88,000 ABTC card holders, whilst the number of card holders increased to nearly 153,000 by the end of 2013 (more than a 73% increase).

In order to facilitate the entrance of business travelers in the APEC region, an increasing number of APEC economies have started to offer automated e-systems to reduce the time of immigration clearance at major airports. In addition, these initiatives are offered not just for local business travelers, but they are gradually expanding to cover foreign business travelers that meet specific criteria. Some economies have also implemented more flexible conditions to apply for business visas or have extended the time by which business people can stay. In some cases, the application process to secure employment permits or temporary residence visas has been simplified.

Transparency

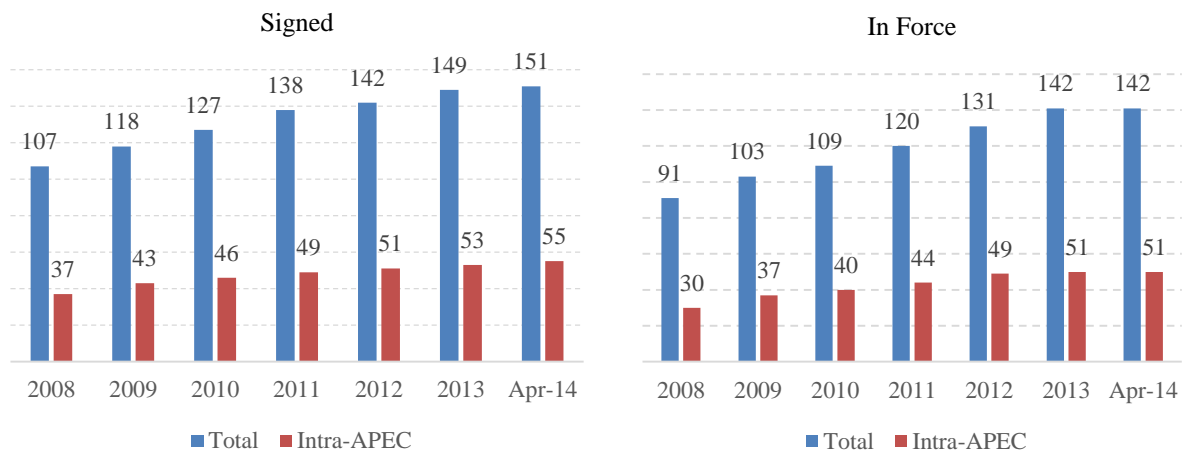
In general, APEC economies have reported that laws and regulations are published promptly and they are made available on the internet. Draft laws and proposals are also published in some APEC economies in order to seek comments from interested parties.

Some APEC economies where English is not an official language have started to offer unofficial translations of laws and regulations. Efforts are on the right track, but there is a perception that more can be done to improve in this aspect.

RTA/FTAs

APEC economies have continued negotiating RTA/FTAs to improve market access conditions overseas. As at April 2014, 151 RTA/FTAs had been signed by APEC economies, being 142 of them already in force. 55 of the RTA/FTAs signed involved at least two APEC economies and 51 RTA/FTAs of those are in force.

Chart 7: Number of RTA/FTA Signed and Enforced



Source: APEC Secretariat, Policy Support Unit

Australia

Australia's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Reductions in tariffs being implemented under FTA commitments. Plans to reduce unilaterally MFN tariffs for some textiles and apparel goods.
- Reforms to improve the management of biosecurity. Measures to improve risk-based profiling and inspection processes.
- Local content requirements still applied in television and radio programming.
- Increase of monetary thresholds for foreign investors from New Zealand based on the signature of a bilateral agreement.
- Australia has confirmed that its SPS regime is science-based, transparent and consistent with international obligations. However, specific trade concerns have been raised in the WTO SPS Committee and no resolution has been reported in some cases so far.
- Reforms in competition policy, government procurement and deregulation have taken place.
- New eligibility criteria to issue the APEC Business Travel Card to business travellers to closely align requirements with those requested by other APEC economies.
- Visa sub-classes under the simplified temporary work visa framework were reduced from 17 to 8.

Summary of Topics

Tariffs

Since the previous Bogor Goals assessment in 2012, Australia has reported progress in reducing tariffs via RTA/FTAs. The Australia-Malaysia FTA entered into force on 1 January 2013 and eliminated immediately all tariffs on Malaysian products.

Australia expects to reduce MFN tariffs on certain apparel and textile products from 10 to 5 per cent by 1 January 2015. Also, by that time, all remaining tariffs on goods from Thailand and Chile will be removed in accordance to the bilateral FTAs signed with these APEC economies.

Non-Tariff Measures

Reforms on Australia's anti-dumping and countervailing systems were finalized by June 2013. The reforms include the establishment of the Anti-Dumping Commission as the authority in charge of Australia's anti-dumping system. In addition, the reforms have incorporated a new appeals process and an industry stakeholder forum; amended subsidies provisions to reflect more accurately relevant WTO agreements; created an inquiry process to investigate the circumvention of anti-dumping measures; and clarified provisions on dealing with parties who do not cooperate with the anti-dumping investigations.

Australia has continued reforms in its biosecurity system. Since 2012, policies have been implemented to improve the management of biosecurity. The introduction of the Inter-

* This brief report was prepared with information from Australia's submission of 2014 APEC Individual Action Plan (IAP) template; the WTO SPS and TBT Information Systems; and the Australian Communications Media Authority and the Department of Foreign Affairs and Trade websites.

Governmental Agreement on Biosecurity and the National Biosecurity Environmental Response Agreements are relevant examples of efforts in this front. In addition, Australia has been implementing measures to facilitate trade by signing bilateral sanitary and phytosanitary agreements; and reducing quarantine times to import certain animals.

Services

Australia has continued the implementation of the high-speed National Broadband Network (NBN). As at 28 January 2014, the NBN had been rolled out to 368,300 premises, with 87,500 active services. The interim satellite service was active on 44,400 premises and the fixed wireless network had been rolled out to 66,300 premises with 7,700 active services.

In the educational sector, Australia is developing minimum reporting requirements for the Vocational Education and Training (VET) providers through total VET activity reporting. All registered training providers and endorsed/accredited qualifications are listed in a national register and a website portal, My Skills (www.myskills.gov.au), is assisting individuals and employers looking to undertake specific training programs.

Local content requirements on programs, advertisements and music are still maintained for television broadcasters and commercial radio stations.

Investment

Australia continued to liberalize its foreign investment regime. From 1 March 2013, Australia is extending to New Zealand investors the same higher monetary thresholds applicable to United States investors. In addition, some updates to Australia's foreign investment policy were implemented, including a relaxation from notification for foreign government banks taking security when lending, under some particular circumstances.

In 2013, the indexed monetary thresholds for foreign investors to notify the government and get prior approval were equal to AUD 248 million (AUD 1,078 million for New Zealand and United States investors).

Standards and Conformance

When necessary, Australia adopts measures to protect public health, security and safety. Australia has reported that its standard setting bodies in the fields of animal and plant health, food safety and other aspects of human health have adopted international standards as appropriate.

By the end of 2013, six specific trade concerns raised against Australia at the WTO SPS Committee had not reported a resolution. Those concerns involve products such as chicken meat, beef and fresh fruits.

Standards Australia keeps an active involvement on international standardization activities. Approximately 38 per cent of the total catalogue of Australian Standards are identical and aligned to international standards.

Australia is also involved in multilateral accreditation arrangements such as the Asian Pacific Laboratory Accreditation Cooperation (APLAC) and the International Laboratory Accreditation Cooperation (ILAC). For example, Australia's National Association of Testing Authorities (NATA) provides both the ILAC and APLAC Secretariats and currently holds the Chair of the ILAC Accreditation Committee (AIC). NATA and China's accreditation authority

(CNAS) have commenced a joint project to strengthen cooperation and improve the function of accreditation facilitating international trade. The Joint Accreditation System of Australia and New Zealand (JAS-ANZ) has recently been re-evaluated as a signatory to the Pacific Accreditation Cooperation (PAC) Multilateral Recognition Arrangement (MLA). JAS-ANZ is also signatory party to the International Accreditation Forum (IAF) MLA.

Australia has introduced tobacco plain packaging as a public health measure. Under the Tobacco Plain Packaging Act 2011, from 1 October 2012, all tobacco products manufactured or packaged in Australia for domestic consumption have been required to be in plain packaging and from 1 December 2012, all tobacco products have been required to be sold in plain packaging. The measure is subject to challenge in the WTO by five Members, including claims that Australia's measure is inconsistent with the TBT Agreement.

Customs Procedures

In order to facilitate trade, Australia has implemented measures to improve its risk-based profiling and inspection processes. The Australian Customs and Border Protection Service is developing a trusted trade programme which will promote supply chain security and provide enhanced border clearance privileges along with increased certainty and reliability of cargo clearance processes for its members.

Intellectual Property Rights (IPR)

The Intellectual Property Laws Amendment (Raising the Bar) Act 2012 came into full effect on 15 April 2013. The Act includes provisions to raise the quality of granted patents; give free access to patented inventions for regulatory approvals and research; reduce delays in resolution of a patent and trade mark applications; assist the operation of IP professionals; improve mechanisms for trade mark and copyright enforcement and simplify the system.

During 2012-13, IP Australia continued the development of eServices and B2B channel. eServices is a portal catered for self-filers and SMEs that allows customers to establish a user identity and submit a range of IPR transactions electronically. The B2B channel is a fully automated transaction portal that facilitates the direct transfer of IPR transactions from a customer's business system to IP Australia's business systems. This channel caters the needs of high-volume users.

Competition Policy

Over the course of 2012-13, the Australian Competition and Consumer Commission (ACCC) concluded a number of court actions against companies engaged in anti-competitive practices, including five first-instance competition proceedings relating to the Air Cargo freight cartel, bringing penalties to almost AUD 100 million.

Cross-jurisdictional reforms, as part of the National Partnership Agreement to Deliver a Seamless National Economy, were implemented to encourage competition in the energy, transport and infrastructure sectors.

In December 2013, Australia announced that it is undertaking a review of the competition framework to ensure that its competition laws remain robust and effective in the future.

Government Procurement

The Commonwealth Procurement Guidelines (CPG) were reviewed and reissued as the Commonwealth Procurement Rules on 1 July 2012. The review includes a refinement of their

scope; an improvement of their usability and readability; a re-definition of procurement methods; and a clarification of procurement obligations and better practice.

A standard suite of contract documents for low risk procurements under AUD 80,000 was introduced for use across Australia.

Deregulation/Regulatory Review

The Government is reducing the regulatory burden for individuals, businesses and community organisations with the aim of cutting the net annual cost of Commonwealth Government regulations by \$1 billion every year. This annual target is supported by incentives and mechanisms to achieve meaningful reductions in regulation over time. An Office of Deregulation has been established to coordinate the whole-of-government implementation of the agenda, supported by the newly established Deregulation Units in each government portfolio. The Office of Deregulation reports directly to the Prime Minister and the Cabinet on progress. Deregulation Units have been established in Government departments as well.

The new Australian Government Guide to Regulation was issued in March 2014. All Cabinet submissions require a Regulation Impact Statement (RIS). Also, the Regulatory Impact Analysis (RIA) framework has been strengthened, with greater emphasis on costing impacts on business, community organizations and individuals.

Mobility of Business People

Australia implemented new eligibility criteria to issue the APEC Business Travel Card (ABTC) to business travellers. The intention is to bring eligibility requirements closer to those required by other APEC economies. The new criteria also ensure that small to medium sized businesses enjoy the same level of access to the ABTC scheme as large global companies. The changes were implemented after 2012.

Although Australia's visa system is universal, it puts in place working visa systems to enable business people to visit Australia for business activities. On 24 November 2012, visa subclasses under the simplified temporary work visa framework were reduced from 17 to 8.

RTA/FTAs

Currently, Australia has in force seven FTAs⁵ and it is negotiating seven FTAs at various levels of progress. In addition, Australia recently concluded successfully FTA negotiations with Korea and Japan (signed in April and July 2014 respectively).

⁵ Australia's RTA/FTAs in force are the following ones: Australia–New Zealand (1983), Australia–Singapore (2003), Australia–United States (2005), Australia–Thailand (2005), Australia–Chile (2009), Australia–New Zealand–ASEAN (2010), Australia–Malaysia (2013). Australia also has a bilateral agreement with PNG – the *Papua New Guinea-Australia Trade and Commercial Relations Agreement*.

Brunei Darussalam

Brunei Darussalam's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- 77 per cent of tariff lines are equal to zero, but some tariff peaks equivalent to 30 per cent still remain.
- Although some types of foreign investment are still not allowed, there are increasing efforts to provide incentives to foreign companies to doing business in Brunei Darussalam. The corporate tax rate was reduced from 30 to 20 per cent.
- No restrictions in terms of repatriation of capital, remittances of profits or royalties from investments
- Brunei Darussalam is strengthening its institutional system by establishing the National Standards Council; the National Metrology Laboratory and the Brunei Intellectual Property Office. Also, the government is drafting a competition policy law.
- Efforts to improve customs procedures. A single window system is under implementation.
- Flexible system to hire foreign workers. Work visas can be renewed.
- Foreign firms can participate in tenders, but they face some restrictions in comparison to local firms.

Summary of Topics

Tariffs

Tariff rates in Brunei Darussalam are low. Around 77 per cent of the tariff lines enjoy zero tariff rates. Some products face import tariff rates between 5 and 30 per cent. The government has kept tariffs for certain goods due to moral or religious reasons (e.g. toys, food products).

On 1 April 2012, Brunei Darussalam replaced tariff rates with excise duties for 1027 items related to beverages, tobacco, machinery and mechanical appliances, motor vehicles, and measuring instruments and apparatuses.

Non-Tariff Measures

Brunei Darussalam maintain some import prohibitions, restrictions and licensing requirements for health, safety, security, environmental, moral and religious reasons. For example, imports and production of alcohol are restricted for religious reasons. Imports of used motor vehicles older than 5 year are restricted for safety reasons. Products such as telecommunications equipment, medical products, live animals and plants, among others, require an import license. Salt, sugar and rice are among some of the food products subject to import restrictions.

Services

The Companies Act was modified in 2011 to facilitate foreign investors to manage companies. Before the amendment, it was required that no less than half of the members of any board of directors should be a citizen of Brunei Darussalam. Now, if the company has more than two directors, at least two of them should be residents in Brunei Darussalam.

* This brief report was prepared with information from Brunei Darussalam's submission of 2014 APEC Individual Action Plan (IAP) template; and the Ministry of Finance, Board of Architects Professional Engineers and Quantity Surveyors and the Brunei Economic Development Board websites.

The Board of Architects, Professional Engineers and Quantity Surveyors was established in 2012 in order to regulate the qualifications and practice of professionals in those areas.

Investment

Full majority or minority of foreign ownership is allowed depending on the type of activity. Foreign investments under the modality of partnership and joint ventures are subject to approval and sole proprietorships are not open to foreigners. There are no restrictions in terms of repatriation of capital, remittances of profits or royalties from investments.

Brunei Darussalam has implemented recently some tools to facilitate doing business. An example is the launch of the OneBiz Portal, a single window to apply for business licenses in a time and cost-saving manner. In addition, Brunei Darussalam has reported 16 agreements to avoid double-taxation.

Investments are also being encouraged by offering improved tax conditions. For example, the corporate tax rate was reduced from 30 to 20 per cent and tax credits, equivalent to 15 per cent, are applicable for installation of new plants and machinery until the end of 2017.

Standards & Conformance

After setting up the National Standards Council in 2010, Brunei Darussalam has increased its involvement in the development or adoption of standards. For example, 45 international electrical standards have been adopted from 2010. In addition, 35 ISO standards have been adopted in the construction sector. Work is in progress concerning the implementation of food standards.

Brunei Darussalam has participated in the three phases of the APEC Electrical and Electronic Equipment Mutual Recognition Arrangement (EEMRA) and has completed the phase 1 of the MRA on telecommunications with Singapore.

Efforts in metrology are ongoing. The National Metrology Laboratory opened in July 2013.

Customs Procedures

Brunei Darussalam is continuing the implementation of systems to facilitate trade, such as the establishment of the National Single Window which will allow the submission of import/export data and manifest information electronically. In addition, an advance rulings system on customs tariff and classification has been put in force.

Brunei Darussalam has not adopted the ATA Carnet Convention, but allows the temporary importation of goods without import duty under certain conditions. In addition, several annexes of the Kyoto Convention and the HS 2012 version were implemented. Brunei Darussalam Customs is currently adopting best practices and guideline of WCO Risk Management Techniques.

Intellectual Property Rights

In June 2013, Brunei Darussalam established the Brunei Intellectual Property Office (BruIPO), as the authority in charge of intellectual property matters. In September 2013, Brunei Darussalam acceded to the Hague Agreement for the International Registration of Industrial Designs.

Brunei Darussalam is currently working to accede to other international IP protocols such as the International Union for the Protection of New Varieties of Plants (UPOV) and the Madrid Protocol for the International Registration of Marks.

Competition Policy

There is no competition policy law yet, but a competition law is in the drafting stage. At the sectorial level, some competition-related provisions have been implemented in the telecommunications sector. A converged competition code of practice is currently being developed for the telecommunications and broadcasting sectors.

Government Procurement

Tenders could be open, selective or limited. In theory, foreign firms can participate in the tenders individually. However, State Tender Board at the Ministry of Finance mentions that it is advisable for them to form a joint-venture with local companies.

Mobility of Business People

At present, the Department of Immigration and National Registration provides visa exemptions to passport holders of 57 economies worldwide.

Blue-collar and white-collar workers can be recruited in cases of insufficient local supply. Work visas and permits could be issued for three months and they are renewable for two years. Brunei Darussalam is a small economy with a small workforce. Therefore, it has established a flexible policy to allow companies to employ foreign workers in areas with short supply of local workers.

RTA/FTAs

Brunei Darussalam has eight FTAs/RTAs in force⁶, and is currently participating in the negotiation of the Trans-Pacific Partnership Agreement (TPP) and the Regional Comprehensive Economic Partnership (RCEP). There are plans to start the negotiations ASEAN-Hong Kong FTA in 2014.

⁶ Brunei Darussalam's RTA/FTAs in force are the following ones: ASEAN (1992), Brunei Darussalam–Japan (2008), ASEAN–China (2005), ASEAN–Korea (2007), ASEAN–Japan (2009), ASEAN-Australia-New Zealand (2010), ASEAN–India (2010), P4 (2006).

Canada

Canada's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Progress continues in reducing tariffs both through FTAs and unilateral measures.
- For certain agricultural products, tariff rate quotas are applied, but Canada ensures that its policies are in compliance with its WTO obligations.
- New commitments in trade in services via bilateral FTAs. Some improvements to allow foreign investors in the telecommunications sector subject to certain conditions.
- Local content requirements apply for television broadcasters and radio stations.
- New thresholds for review for WTO member investors are equivalent to CAD 354 million in 2014, an increase of CAD 24 million from 2012.
- Canada continues to implement initiatives to expedite customs procedures and improve secure trade.
- Canada continues its active participation in multilateral accreditation arrangements. New cooperation arrangements with other economies have been implemented.
- New laws have been introduced to strengthen intellectual property rights
- Canada implemented, in June 2014, a pilot program to offer a domestic ABTC scheme to Canadian business people.

Summary of Topics

Tariffs

Canada implemented amendments to its Customs Tariff in 2012 to simplify its structure and reduce the burden on importers by reducing the number of tariff classification numbers by over 900, and removing redundant or obsolete provisions from the law. Building on action, as announced in the 2010 Budget to remove all tariffs on machinery & equipment and inputs or industrial manufacturers, the Government later on also removed tariffs on certain petroleum oils used as fuels in the production of energy and electricity, as well as four tariff lines used in manufacturing. The amendments also created three new generic descriptions in the tariff classification to facilitate the importation of low-value non-commercial shipments by post or courier by speeding their processing.

Efforts to reduce or eliminate tariffs continued in 2013, with Canada eliminating tariffs on baby clothing and certain sports and athletic equipment. On 8 March 2013, Canada also fully implemented its commitments to reduce tariffs by 5 per cent or less on the 54 environmental goods agreed by APEC Leaders in 2012.

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

Services

* This brief report was prepared with information from Canada's submission of 2014 APEC Individual Action Plan (IAP) template; the WTO SPS and TBT Information Systems; and Industry Canada; Foreign Affairs, Trade and Development; Canada Radio-television and Telecommunications Commission; Transport Canada; and Agriculture and Agri-Food Canada websites.

In order to open markets in trade in services and obtain better market access and legal stability in overseas markets, Canada is participating in the negotiations of the Trade in Services Agreement (TISA). Canada is also currently participating in the Trans-Pacific Partnership (TPP) negotiations, which, *inter alia*, seek to facilitate the movement of people and services in the Asia-Pacific region.

At the bilateral level, in 2013, Canada agreed on trade in services provisions in the context of free trade agreements with Panama (ratified) and Honduras (signed). Negotiations with Japan on the Economic Partnership Agreement, which covers trade in services, progressed in 2013. In March 2014, Canada and the Republic of Korea announced the conclusion of negotiations for a bilateral free trade agreement, which contains trade in services commitments. In August 2014, Canada also announced the conclusion of negotiations for a free trade agreement with the European Union, which similarly includes commitments on trade in services.

In June 2012, the amendments to the Telecommunications Act came into force. The amendments allow a foreign investor to operate as a telecommunications common carriers if it has annual revenues from the provision of telecommunication services in Canada that represent less than 10 per cent of the total annual revenues generated by all companies from the provision of telecommunication services in Canada.

Local content requirements are required for programs and music for conventional television broadcasters and radio stations. Minimum spending requirements for Canadian programming are also applicable to Canadian broadcasters.

The Government of Canada has been very active in liberalizing air transport markets in the APEC region. As of 2014, 62% of Canada's total international air traffic is with APEC economies and 75% of that traffic is covered by an Open Skies-type agreement. Since the inception of Canada's international air transportation policy in 2006 (Blue Sky), Canada has concluded Open-Skies type agreements with South Korea and New Zealand, and expanded agreements with China, Japan, Malaysia, Mexico, Peru, and the Philippines. These efforts have resulted in greater market access for Canadian and foreign airlines and more connectivity for travelers and shippers within the APEC community.

Investment

Pursuant to the Investment Canada Act (ICA), new thresholds for review for WTO member investors or Canadian businesses controlled by a WTO member (other than Canadian) prior to its acquisition, must be determined and become effective on January 1 of each year. The calculation of the threshold is based on the growth of the Nominal Gross Domestic Product – published by Statistics Canada- and multiplied by the amount determined for the previous year. In this regard, the threshold for 2014 is CAD 354 million, which is CAD 24 million greater than that of 2012, reported at the previous Bogor Goals Progress Report 2012.

Standards and Conformance

Canada has reaffirmed its goal to continue increasing the harmonization between new Canadian standards and those adopted by international organizations, such as the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC), whenever appropriate.

The Standards Council of Canada (SCC) continues to be active in multilateral accreditation arrangements such as the International Accreditation Forum (IAF), the International

Laboratory Accreditation Cooperation (ILAC) and the Pacific Laboratory Accreditation Cooperation (APLAC). Moreover, the SCC has been renewing cooperation arrangements with counterparts in other economies and offering technical assistance to other standards bodies.

By the end of 2013, five specific trade concerns raised against Canada at the WTO SPS Committee had not reported a resolution. Similarly, 10 specific trade concerns against Canada raised at the WTO TBT Committee had not reported a resolution. The most recent concern was related to Canada's food inspection model.

Customs Procedures

The Canada Border Services Agency (CBSA) has been conducting engagement activities with the U.S. Customs and Border Protection to implement initiatives under the framework of the Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness initiative. In this regard, three pilot programs to target high-risk cargo destined to the U.S. were implemented.

Canada has been implementing the eManifest initiative, which will require carriers, freight forwarders and importers in all modes of transportation (air, marine, highway and rail) to electronically transmit advance commercial information to the CBSA. Currently, the CBSA is encouraging both rail and highway carriers to provide advance cargo and conveyance data on commercial goods coming into Canada on a voluntary, through eManifest, before the mandatory compliance date.

In the area of Authorized Economic Operators, Canada and U.S. are working towards the harmonization of Canada's Partners in Protection and the U.S. Customs-Trade Partnership Against Terrorism programs. Key areas of progress include development toward a single application process to allow current program members in Canada or U.S., as well as new applicants, to obtain harmonized membership for the programs in both economies.

Intellectual Property Rights

In March 2014, Canada introduced the *Economic Action Plan 2014 Act, No. 1*, which will modernize Canada's intellectual property administrative framework to better align it with international practices and allow Canada to join three widely recognized WIPO treaties: the Madrid Protocol, the Singapore Treaty, and the Nice Agreement.

In October 2013, the Canadian government reintroduced the *Combating Counterfeit Products Act* (Bill C-8) that will update Canada's intellectual property rights enforcement regime, including by strengthening enforcement measures at the border, facilitating civil enforcement by the rights holders and providing enhanced tools for criminal enforcement.

In November 2012, the vast majority of the provisions of *Canada's Copyright Modernization Act* (CMA) came into force and in January 2015 all of the provisions will be in force. These new provisions will enhance the ability of copyright owners to benefit from their work and also offer internet service providers, educators, students and businesses the tools they need to use new technologies in innovative ways. As a result of the CMA, Canada's copyright regime is now in line with international standards, including the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT).

Mobility of Business People

Passport holders of 55 economies worldwide are visa exempt to travel to Canada, including those for 10 APEC economies.

On 16 June 2014, Canada launched the ABTC pilot project that would issue cards to authorized Canadian business people who travel in the APEC region, Canada continues to offer expedited clearance at special service lanes to ABTC holders from the 19 participating economies.

RTAs/FTAs

Canada has reported nine FTAs with 13 economies in force⁷. On 30 September 2013, Canada and Chile announced the entry into force of the expanded and modernized Canada-Chile FTA. In November 2013, Canada and Honduras signed an FTA which is pending ratification.

In March 2014, Canada and the Republic of Korea announced the conclusion of negotiations for a bilateral free trade agreement. This announcement was followed in August 2014 by the conclusion of negotiations on a free trade agreement with the European Union.

Canada is currently participating in trade negotiations with members of the Trans-Pacific Partnership (TPP), and is negotiating bilaterally with Japan and India.

⁷ Canada's RTA/FTAs in force are the following ones: NAFTA (1994), Canada-Chile (1997), Canada-Israel (1997), Canada-Costa Rica (2002), Canada-EFTA (2009), Canada-Colombia (2011), Canada-Peru (2009), Canada-Jordan (2012), Canada-Panama (2013).

Chile

Chile's Bogor Goals Progress Report (as at 8 August 2014) *

Highlights of Achievements and Areas for Improvement

- Zero-tariffs for almost all import goods from least developing economies. Effective tariffs also being reduced through trade liberalization schedules agreed in FTA/RTAs.
- No quantitative or national treatment restrictions to imports. Only exception is the prohibition to import used motor vehicles.
- Price band system applies for wheat, wheat flour and sugar.
- Reforms in the telecommunications and air transportation sector. The domestic air transportation market was opened to foreign flag carriers.
- Efforts to continue facilitating trade via more efficient customs procedures.
- Chile's intellectual property rights system has been strengthened with a new law regulating copyrights and related rights and the acceptance of the amendments to the TRIPS agreement.
- Chile is implementing the Agenda for Competitiveness in order to remove obstacles to doing business and raise productivity.
- More transparent regulatory regime with the implementation of the Transparency Law and Public Participation Law.

Summary of Topics

Tariffs

Chile applies a flat MFN import tariff of six per cent to all products. Nevertheless, its effective average tariff, taking into account FTA/RTAs preferential treatments, was equal to 0.9% in 2013. In September 2013, imports tariffs for all goods (except wheat, wheat flour and sugar) from least developing economies were eliminated.

Chile is also reducing tariffs through the negotiation of FTAs. FTAs with Malaysia and Viet Nam came into force in April 2012 and February 2014, respectively. Chile also signed FTAs with Thailand and Hong Kong, China in recent years, which are currently in the ratification process.

Non-Tariff Measures

Chile does not apply quantitative or national treatment restrictions. The only exception is the current prohibition to import used motor vehicles.

Chile applies a price band system to wheat, wheat flour and sugar. If the international price for any of those products falls below a minimum price, then a surcharge tax is added to the 6 per cent flat MFN tariff. But if the international price exceeds a maximum price, a discount to the 6 per cent flat MFN tariff is applied.

Services

Reforms in the telecommunications sectors took place in recent years, including the elimination of domestic long distance rates for landlines in November 2013. Landline calls made within

* This brief report was prepared with information from Chile's submission of 2014 APEC Individual Action Plan (IAP) template; the WTO TBT Information System; and DIRECON and ODEPA websites.

Chile are considered as local calls. Also, from January 2012, number portability for mobile phones is allowed.

In the air transport sector, Chile unilaterally opened its domestic air transport market (cabotage) in order to allow foreign flag carriers to transport passengers and goods. In recent years, Chile also enacted agreements on air services with China and Malaysia.

Investment

A supplementary agreement on investment was signed between Chile and China. This agreement is part of the FTA Chile-China and is currently in the ratification process.

In order to attract investments in energy, Chile passed a law requiring that 20% of the energy from new energy contracts comes from non-conventional renewable energy sources by 2025. A new bidding mechanism was created for new non-conventional energy projects, where investors are guaranteed with price stability for 10 years.

Standards and Conformance

Chile has continued the alignment of its domestic standards following international standards. For example, in fuels and electrical products, the Superintendency of Electricity and Fuels elaborated nine new technical regulations, taking into account standards by the International Electrotechnical Commission (IEC).

Chile continues to participate actively in international standardization activities. For example, Chile's main food sanitary regulations are largely based on guidelines and documents provided by the Codex Committee on Food Hygiene.

By the end of 2013, four specific trade concerns against Chile raised at the WTO TBT Committee had not reported a resolution. The most recent concern was related to proposed amendments to food health regulations and measures on safety for printers and energy efficiency for printing labelling.

Customs Procedures

A number of measures have been implemented in recent years to make customs procedures more expedite. Among the most important measures implemented, Chile announced in November 2012 that the maritime cargo manifest for import of goods could be presented in electronic version. Also, a computer system was implemented in the border of Chile and Argentina in December 2012 to exchange information and verify online export and import declaration of goods presented by land transport operators crossing the border. In January 2013, Chile established tribunals for acts related to customs and tax matters across its territory. In 2013, Chile undertook the SINTA project, which allowed the exchange of transport documentation carried by cargo trucks in transit.

Chile has been working in the design of an Authorized Economic Operator (AEO) program for exporters, which is expected to be implemented in 2014.

Intellectual Property Rights

Chile became a signatory of international IPR treaties, including the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

In 2013, Chile ratified and notified to the WTO the acceptance of the Protocol Amending the TRIPS Agreement, Paragraph 6. Moreover, Chile approved a law regulating copyrights and related rights.

Competition Policy

Chile's competition policy authority, the National Economic Prosecutors Office (FNE), issued guides on "Horizontal Mergers", "Competition Compliance Programs" and "Public Sector and Antitrust".

Deregulation/Regulatory Reform

The regulatory regime has changed towards a more open and transparent process after the implementation of the Transparency Law and the Public Participation Law.

Chile implemented the Agenda for Competitiveness, a program with the intention to remove obstacles to doing business and raising productivity. The agenda includes the implementation of more than 100 measures to promote investments and competition, accelerate the issuance of trade certifications, promote innovation, adapt working regulations to competition demands, and assist SMEs, among others.

Mobility of Business Persons

Chile has implemented an interoperability system to transfer and exchange policy and migratory information. A similar system concerning law courts has been implemented as well. These measures are streamlining the visa process for business people.

The Collaboration Agreement between the Government of Chile and the Chamber of Commerce of Santiago to prequalify business people has been implemented.

RTA/FTAs

Chile has put in force a comprehensive network of trade agreements covering more than 50 economies around the world under 27 FTAs/RTAs⁸. Currently, Chile is negotiating the Trans-Pacific Partnership Agreement (TPP) and the negotiation of the comprehensive trade agreement within the Pacific Alliance. Chile is also working with India to deepen the scope and coverage of the existing preferential trade agreement between the two economies.

⁸ Chile's RTA/FTAs in force are the following ones: Chile–Venezuela (1993), Chile–Bolivia (1993), Chile–Ecuador (1994), Chile–MERCOSUR (1996), Chile–Canada (1997), Chile–Mexico (1999), Chile–Costa Rica (2002), Chile–Cuba (2008), Chile–El Salvador (2002), Chile–EU (2003), Chile–Korea (2006), Chile–Honduras (2008), P4 (2006), Chile–India (2007), Chile–United States (2004), Chile–EFTA (2004), Chile–Panama (2008), Chile–Peru (2009), Chile–Colombia (2009), Chile–Japan (2007), Chile–Guatemala (2010), Chile–Australia (2009), Chile–Turkey (2011), Chile–Malaysia (2012), Chile–Nicaragua (2013), Chile–Viet Nam (2012).

China

China's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Progress in reducing applied tariffs under the implementation of the tariff liberalization schedules agreed in FTA/RTAs.
- Tariff rate quotas still apply, as well as some import and export restrictions through quotas or licenses.
- Liberalization in services is increasing, by allowing more participation of foreign providers in a number of sectors.
- The opening of the China (Shanghai) Pilot Free Trade Zone is aiming to attract further investment, by offering a negative list approach and a trial implementation of national treatment for foreign investment projects.
- China continues to participate in international standardization activities, but concerns still remains to obtain the China Compulsory Certificate (CCC) that accredits any product as safe for commercialization in the domestic market.
- Customs-related measures to facilitate trade and improve law enforcement are being implemented.
- China has been working in the improvement of regulations regarding intellectual property rights.
- Increased international cooperation with entities in standards and conformance, intellectual property rights and competition policy.

Summary of Topics

Tariff

Progress in reducing tariffs in recent years has been achieved by implementing the tariff schedules agreed in 11 FTAs in force. China is also continuing offering unilateral special preferential tariff rates on certain products from 40 least-developed economies.

China applies tariff rate quotas (TRQ) to wheat, maize, rice, sugar, wool, wool tops, cotton and fertilizers, involving 47 tariff lines at the HS 8-digit level.

Non-Tariff Measures

Import prohibitions are applied to some cases related to public interest, environmental matters, or in accordance with international commitments. In addition, import prohibitions may be imposed on the grounds of animal, plant, or human health and safety. Some commodities are subject to import licenses such as ozone depleting substances and used mechanical and electronic products.

Automatic import licenses are also applied to some products for the purpose of monitoring the import of commodities. These licenses do not entail quantitative restrictions. The Catalogue of

* This brief report was prepared with information from China's submission of 2014 APEC Individual Action Plan (IAP) template; the 2012 WTO Trade Policy Review – Report by the Secretariat – China; Replies to the Questionnaire on Import Licensing Procedures, Notification under Article 7.3 of the Agreement on Import Licenses Procedures 2013, China; the WTO SPS and TBT Information Systems; and the Ministry of Commerce website.

Goods Subject to Automatic Import License Administration has been updated in few occasions during the last two years.

Export restrictions are still applied in China through a quota or license. Quotas could be general or destination-specific. The allocation of export quotas is either through a bidding process or directly by the Ministry of Commerce or the National Development and Reform Commission. Licenses are issued mainly to fulfill obligations in accordance to international commitments.

Services

In comparison with the previous Bogor Goals Progress Report in 2012, China has continued with the liberalization of services sectors, allowing more participation of foreign services providers in different sectors. For example, in the financial sector, the share of foreign shares in joint venture securities companies was raised in 2012. In the same year, the State Council amended the regulation concerning futures trading to allow foreign investors to participate in certain types of futures trading. Locally incorporated foreign-funded banks can also participate in a pilot program for assets securitization.

Regarding other sectors, China is reducing restrictions on foreign investments in health-related services. In the telecommunications sector, China had granted 32 operative licenses to foreign investors by the end of December 2013. In legal services, China granted licenses to 15 foreign law firms to establish representative offices. In accounting services, documentation requirements for Hong Kong and Macau-based firms to apply for temporary audit licenses in mainland China have been simplified and taken effect since September 2012.

By December 2013, China had concluded 115 bilateral Air Services Agreements.

Investment

The China (Shanghai) Pilot Free Trade Zone was launched on 29 September 2013. It has implemented a negative list approach and a trial implementation of national treatment for foreign investment projects.

China revised the Catalogue of Priority Industries for Foreign Investment in Central and Western China, which came into effect on 10 June 2013. The catalogue lists activities where foreign investments are “encouraged”, which includes 89 more activities than the previous catalogue released in 2008.

China released a Catalogue of Investment Projects Subject to Government Approval. The intention is to facilitate Chinese outward FDI by reducing the administrative burden with the elimination of some approval steps.

Standards and Conformance

China continues to participate actively in international standardization activities within international bodies such as the Codex Alimentarius Commission. In addition, China is working to enhance transparency of their standards and conformance requirements. In this sense, China has notified 104 new food safety measures at the WTO SPS Committee since 2012.

By the end of 2013, 15 specific trade concerns raised against China at the WTO SPS Committee had not reported a resolution. The concerns raised in 2013 involve products such as phthalates, swallow nests and beef. Similarly, 45 specific trade concerns against China raised at the WTO

TBT Committee had not reported a resolution. Some of the most recent concerns raised in 2013 were related to medical instruments and devices.

Some concerns remain with regards to the process, cost and time to obtain the China Compulsory Certificates (CCC) to sell products in the domestic market. Conformity assessment and regulatory approval processes could take longer in comparison to other markets.

Customs Procedures

China has been implementing measures in order to facilitate trade and improve law enforcement. Regarding trade facilitation, China is allowing the use of the ATA carnet for customs clearance of temporary imports from vehicles from Hong Kong, China to Guangdong Province. In addition, Mutual Recognition Arrangements on Authorized Economic Operators have been reached with Singapore; Korea; Hong Kong, China; European Union and Chinese Taipei.

In terms of law enforcement, China has been implementing mechanisms to fight and prevent corruption in customs-related activities. In 2013, China Customs joined forces with the U.S. Customs and Border Protection to launch a joint IPR enforcement operation against counterfeit consumer electronics products.

Intellectual Property Rights

China is improving the legal framework to increase the protection of IPR. Four regulations were amended and entered into force in March 2013: 1) Regulation on the Protection of Computer Software; 2) Regulation on the Implementation of the Copyright Law; 3) Regulation on the Protection of the Right to Network Dissemination of Information; and 4) Regulation of the People's Republic of China on Protection of New Varieties of Plants. Similarly, the Trademark Law was revised and it will enter into force on 1 May 2014.

China has also started to review the Patent Law. A draft is currently being examined at the State Council.

Competition Policy

As at October 2013, the Ministry of Commerce received 760 merger applications and completed 696 cases, among which 675 of them were cleared unconditionally, 20 cases were cleared with remedies and one case was blocked. Since 2012, the National Development and Reform Commission (NDRC) investigated and punished a cartel related to LCD panels; and price monopoly cases on wine companies and milk powder producers.

China is enhancing international cooperation with competition authorities from several economies from around the world.

Government Procurement

As reported in the Bogor Goals Progress Report 2012, China continues working in the following areas: value for money, open and effective competition, fair dealing, accountability, and non-discrimination.

China is negotiating its accession to the WTO Government Procurement Agreement (GPA) and had made a commitment to submit a new accession offer by the end of 2013.

Mobility of Business People

By the end of 2013, China had processed more than 32,000 local ABTC applications and nearly 280,000 applications submitted by other economies.

New regulations concerning the entry and exit of foreign citizens came into force on 1 September 2013. Currently, foreign passport holders from 51 economies can apply for a 72-hour transit visa exemption policy with their valid IDs and air tickets at Beijing, Shanghai, Guangzhou and Chengdu airports.

RTAs/FTAs

China has reported 10 RTA/FTAs in force⁹ and two RTA/FTAs signed in 2013 but not implemented yet. China has also reported its participation in six RTA/FTA negotiations with the Gulf Cooperation Council; Australia; Korea; Japan-Korea; Norway; and the Regional Comprehensive Economic Partnership (RCEP).

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

Hong Kong, China

Hong Kong, China's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- No tariff on imports. No non-tariff measures to protect domestic industries.
- Hong Kong, China maintains a very liberal, transparent and open regime for trade in services and investments.
- International standards have been adopted as far as possible.
- New risk management techniques are being adopted to secure and facilitate trade. An Authorized Economic Operator program has been launched in recent times.
- The Competition Bill was passed in June 2012 to become the Competition Ordinance, which is part of the efforts to maintain fair and sustainable competition.
- Law reform in dispute resolution. In 2013, an amendment to the Arbitration Ordinance was enacted and the Mediation Ordinance came into force.
- The legislative regime relating to dispute resolution is being improved from time to time to enhance Hong Kong, China's status as a leading center for dispute resolution in the Asia-Pacific region.
- New measures to facilitate entry to business people, including the use of an automatic immigration clearance service, e-Channel.

Summary of Topics

Tariffs

Hong Kong, China applies no tariffs on imports; and binds tariffs on 3,366 tariff lines (about 46.07% of all lines) at zero on a MFN basis in 2013, accounting for 60% of imports in 2012 value terms. Wood, pulp, paper and furniture, and metals continue as the sectors with the highest percentage of zero bound tariff lines.

The FTA between Hong Kong, China and the European Free Trade Association (EFTA) entered into force on 1 October 2012 (for Iceland, Liechtenstein and Switzerland) and on 1 November 2012 (for Norway). Under this agreement, Hong Kong, China has committed to tariff free access for all products originating in the EFTA States.

Non-Tariff Measures

Hong Kong, China does not impose any quantitative restrictions or maintain non-tariff measures for the protection of domestic industries. Hong Kong, China only maintains those non-tariff measures that are required to protect public health, safety, security and the environment, and to fulfill obligations under international agreements, and these measures are under constant review with the objective of facilitating trade as far as possible. For example, in June 2012, Hong Kong, China exempted two varieties of GM (genetically modified) papaya and live recombinant veterinary vaccines from the restrictions on the imports of GMOs.

Services

* This brief report was prepared with information from Hong Kong, China's submission of 2014 APEC Individual Action Plan (IAP) template; the WTO SPS and TBT Information Systems; and Hong Kong, China's Information Services Department and Trade and Industry Department websites.

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

Under the FTA with EFTA, Hong Kong, China has made broad commitments for a wide range of services, some of them going beyond its current commitments under the GATS.

Investment

Hong Kong, China maintains one of the most liberal, open and transparent investment regimes in the world. There are no restrictions on foreign exchange transaction, repatriation of capital and returns related to foreign investment. Residency requirements about ownership of investments are required for the broadcasting sector, which are considered on par with international standards.

InvestHK, the government's investment promotion agency, maintains an active role facilitating investments. Since the last 2012 Hong Kong, China's Individual Action Plan, InvestHK assisted 700 companies to establish a presence or expand operations in Hong Kong, China.

Standards and Conformance

Hong Kong, China adopts international standards as far as possible, including ISO and IEC standards. For telecommunication equipment, Hong Kong, China has recognized 11 more testing laboratories as Conformity Assessment Bodies (CAB), increasing the total number of recognized testing laboratories to 25.

In 2012, the Hong Kong Accreditation Service increased its participation in cooperation activities, by becoming a signatory of the Asia Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement (MRA) for reference material producer and the International Laboratory Accreditation Cooperation (ILAC) MRA for inspection.

By the end of 2013, one specific trade concern raised against Hong Kong, China at the WTO SPS Committee had not reported a resolution. The concern, which involved restrictions on import of food products after the nuclear power plant accident in Fukushima, was only discussed at the Committee meeting of June 2013 when it was newly raised but not at subsequent meetings. Similarly, two specific trade concerns against Hong Kong, China raised at the WTO TBT Committee had not reported a resolution yet. The most recent concern dates back to 2007 concerning an energy efficiency labelling scheme, whereas the other is related to a regulation on air pollution control (taxis) in 2001. The WTO member raising these two concerns has not taken any follow-up actions after studying Hong Kong, China's written responses.

Customs Procedures

Hong Kong, China has been adopting systematic risk management techniques to secure and facilitate trade. In particular, the Hong Kong Authorized Economic Operator (HK AEO) Programme was launched in April 2012. As at December 2013, 15 companies had been accredited as AEO. The Smart and Secure Trade Lanes Pilot Project was implemented in November 2013 to minimize controls and uphold end-to-end supply chain security.

Cooperation between customs administrations is increasing. AEO Mutual Recognition Arrangements with China and India Customs were signed to recognize their supply chain security programs. Moreover, since April 2012, the facilitation arrangements under the Economic Cooperation Framework Agreement between China and Chinese Taipei have been

streamlined to improve trade facilitation, such as the relaxation of requirements for the advance submission of applications to Hong Kong Customs from two to one day prior to the arrival of the consignments.

Intellectual Property Rights

Among the measures to strengthen the enforcement of IPR, Customs established an Electronic Crime Investigation Centre in 2013 to improve the strategy to fight against cyber market crimes. Hong Kong, China is also organizing actions with a view to wiping out the selling of pirated and counterfeit products. These actions also include the cooperation with other customs authorities worldwide to mount operations to curtail the flow of infringing products and/or collect evidence for cases involving multi-jurisdictions.

Competition Policy

The Competition Bill was passed in June 2012 to become the Competition Ordinance. An Independent Competition Commission to deal with investigation and enforcement matters, and a Competition Tribunal to deal with the adjudication on competition-related cases have been established.

Government Procurement

The procurement system is under continuous review with a view to further liberalizing the government procurement regime and improving the transparency of tendering procedures.

Dispute Resolution

An amendment to the Arbitration Ordinance was passed in July 2013. Its principal objective is to implement the Arrangement Concerning Reciprocal Recognition and Enforcement of Arbitral Awards between the Hong Kong Special Administrative Region (HKSAR) and the Macao SAR concluded in January 2013. The amendment also seeks to enhance the arbitral regime of Hong Kong, China in the light of international practices. Of particular importance is the addition of new provisions for the judicial enforcement of emergency relief granted by an emergency arbitrator before an arbitral tribunal is constituted.

One of the goals is to enhance Hong Kong, China's status as an international alternative dispute resolution center. In this regard, the Mediation Ordinance came into force on 1 January 2013. It provides a legal framework for the conduct of mediation in Hong Kong, China without hampering the flexibility of the mediation process.

Mobility of Business People

Among the efforts to facilitate the mobility of business people, Hong Kong, China established a new Pre-arrival Registration for Taiwan Residents (PAR) for Chinese residents of Chinese Taipei in September 2012. PAR is an additional facilitation measure on top of the existing entry arrangements for Chinese Taipei residents visiting Hong Kong, China and will further enhance travel convenience for these residents.

The automated immigration clearance service, e-Channel, was extended in January 2012 to eligible Mainland Chinese visitors holding valid Exit-Entry Permit for Travelling to and from Hong Kong, China and Macao. This has also applied since April 2012 to enrolled foreign visitors who visited Hong Kong, China no less than three times by air in the past 12 months. From December 2013, eligible holders of passports issued by Hong Kong, China and the Republic of Korea may enroll for automated clearance service of the other side under a reciprocal arrangement for the use of this service.

RTAs/FTAs

Hong Kong, China has reported three FTAs in force¹⁰ and one signed FTA but not implemented (Chile). Hong Kong, China and ASEAN commenced negotiations of an FTA in July 2014.

¹⁰ Hong Kong, China's RTA/FTAs are the following ones: Hong Kong, China–China (2004), Hong Kong, China–New Zealand (2011), Hong Kong, China–EFTA (2012).

Indonesia

Indonesia's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Indonesia's simple average MFN tariff rate is equal to 7.8 per cent. However, MFN tariff peaks for some agricultural products above 40 per cent still remain.
- Quantitative restrictions for imports and exports are in place for certain goods. In some cases, the restrictions are implemented to protect the domestic industry.
- Permits or licenses are needed to import several products. Some imports can only be processed in certain ports of entry.
- Measures to allow greater participation of foreign companies in some services sectors.
- Investment procedures have been simplified. Current reviews to reduce restrictions on foreign investors in nine sectors.
- Efforts to continue to align domestic standards to international standards, but increasing concerns on the number of technical regulations that may restrict trade.
- Efforts to facilitate trade towards easier customs procedures. An Authorized Economic Operator program was implemented. Indonesia continues with the gradual implementation of the National Single Window.
- An electronic procurement system has been implemented by several public agencies. By 2014, all agencies have to set up Procurement Service Units.
- Regulatory reform efforts are ongoing, with the implementation of ex-ante assessments and public consultation for bills and drafts of regulations.
- Improvements to facilitate foreign investors to stay in Indonesia. More flexible requirements to obtain a Permanent Stay Permit.

Summary of Topics

Tariffs

Indonesia has implemented a tariff system based on the HS 2012 nomenclature. As at 2012, the simple average MFN tariff rate was equal to 7.8 per cent, which includes ad valorem equivalent duties. 65 tariff lines were subject to non-ad valorem duties.

Indonesia still maintains 3.4 per cent of the tariff lines at levels above 15 per cent. Some agricultural products had MFN tariff peaks above 40 per cent, such as alcoholic beverages, some food preparations and mixtures of odoriferous substances used in food and drinks.

Non-Tariff Measures

Quantitative restrictions are imposed to some imports, through the implementation of licenses. Nearly one-fifth of Indonesia's tariff lines are subject to licenses. These licenses are imposed for legitimate reasons, for example, due to health, safety, security or environmental reasons, and to implement international commitments. Nevertheless, they are also being implemented

* This brief report was prepared with information from Indonesia's submission of 2014 APEC Individual Action Plan (IAP) template; the 2013 WTO Trade Policy Review – Report by the Secretariat – Indonesia; the WTO SPS and TBT Information Systems; and the Indonesia Investment Coordinating Board (BKPM).

to protect the domestic industry, such as the cases of some agricultural products, textiles, oil and gas, used capital goods, and chemical products.

In some cases, these regulations include additional restrictions, by restricting the points of entry to import certain products.

Export prohibitions are applied to specific products. In some cases, the measure has been implemented for legitimate reasons such as environmental reasons or the implementation of international commitments. However, in some other cases, it is not clear whether the imposition of export restrictions follow a legitimate reason, such as the cases of the raw rubber, fish eggs and fry, and mineral ore products (to export minerals, they have to be refined in Indonesia). Export restrictions are applicable via licenses, in particular to some mineral and chemical products. Export taxes are applied to some products, such as palm oil, raw cocoa, leather and wood and mineral ore products, in order to encourage value-added activities within Indonesia.

Services

In the banking sector, new regulation on ownership was issued in 2012, with the intention of minimizing capital ownership in banks to improve resilience. For commercial banks, the maximum capital ownership is set out as follows: 1) 40 per cent bank capital for financial and non-bank financial entities; 2) 30 per cent for non-financial entities; 3) 20 per cent for individual stakeholders. Foreign investors can account for up to 99 per cent of the ownership.

Foreign ownership in telecommunications is allowed for up to 95 per cent in data communication services, 65 per cent for mobile telecommunications services, and 49 per cent for fixed networks. Many foreign companies are operating in Indonesia, in particular in mobile telecommunication services.

According to the 2014 IAP update, Indonesia reported several new regulations in recent years in the areas of distribution, road transport and energy services, concerning competition, ownership and participation of foreigners. However, based on the 2014 IAP update information, it is not possible to determine if these new regulations were facilitating or restricting those services.

Investment

Indonesia has simplified the investment application procedures by eliminating the registration step. Now, investors only need to apply for the principal and business licenses. FDI must be higher than IDR 10 billion or its equivalent in USD; the issued/subscribed capital as paid-up capital must be at least IDR 2.5 billion or its equivalent in USD; and each shareholder should have at least IDR 10 million of share subscription.

The sectors that are wholly or partially closed to foreign investors are included in the Negative Investment List. The latest revision of the list was implemented in 2010, when 40 business sectors became more open to foreign investors. Currently, the government is reviewing the list and planning to reduce restrictions in nine business sectors including the management and operation of ports, airports, land terminals and dry docks; pharmaceuticals; and eco-tourism.

Standards and Conformance

As at October 2013, 9,624 standards (9,363 of them are voluntary) had been approved as National Standards of Indonesia, which represents an increase of 2,155 standards approved in comparison to December 2011, reported by Indonesia in the previous 2012 IAP update. The

National Standardization Agency of Indonesia (BSN) is continuing its work to align national standards to international standards.

By the end of 2013, eight specific trade concerns raised against Indonesia at the WTO SPS Committee had not reported a resolution. The most recent unresolved concerns raised in 2013 involved horticultural products. Similarly, 17 specific trade concerns against Indonesia raised at the WTO TBT Committee had not reported a resolution. Eight of them appeared during the period 2011-2013 and involved technical regulations and standards covering food, electronic and metal products, among others.

Customs Procedures

Indonesia has been implemented measures to facilitate trade by improving customs procedures. In this regard, there is an improvement in the implementation of the National Single Windows (NSW). 18 government agencies are participating in the processing of imports and all agencies are participating in the processing of exports. The NSW is now available at Indonesia's five main trade ports.

The Authorized Economic Operator program was launched on 17 December 2013. Indonesia is also implementing the Auto Gate System at Temporary Storage, Integrated Customs Service Zone, Integrated Cargo Release System and Integrated Physical Examination Area to expedite the flow of goods in Tanjung Priok sea port, located in the north of Jakarta.

Intellectual Property Rights

In September 2013, Indonesia became a contracting party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

Competition Policy

Indonesia is in the process of amending its competition law, which will be concluded in 2014. In terms of merger and acquisitions (M&A), Indonesia amended the regulation on M&A guidance in 2013. The amendment stipulates that the M&A assessment can only be done when all necessary data is deemed completed, including information related to market data and structure. In this sense, it is expected that notifications by the merging parties to the competition authority will take longer than usual, if they have not prepared such information.

Government Procurement

Indonesia does not have a government procurement law. The Presidential Regulation No.70/2012 allows each government institution to start their tendering processes. Government agencies were obliged to implement their own electronic procurement systems. By October 2013, 503 electronic procurement systems had been implemented across Indonesia. Each institution must set up permanent Procurement Service Units by 2014.

The Presidential Regulation provides more opportunities to SMEs to participate in government procurement, by being given priority for procurement valued below IDR 2,5 billion.

Deregulation/ Regulatory Review

The Law No.12/2011 on the Formulation of Laws and Regulations expands the obligation to conduct forward planning of new regulations, not just for laws and sub-national regulations, but also for government and presidential regulations. The law requires *ex-ante* assessments and public consultation for bills and drafts of regulations.

Implementation of WTO Obligations/ ROOs

In 2012, Indonesia submitted 60 notifications to WTO related to the implementation of multilateral agreements concerning trade in goods. In 2013, Indonesia submitted 38 notifications.

Mobility of Business People

The Government Regulation No.31/2013 stipulates improvements to facilitate foreign investors to stay in Indonesia. In particular, investors can get a Limited Stay Permit up to 2 years, renewable, which can be converted into a Permanent Stay Permit, when investors stay at least 3 years in a row in Indonesia. In the past, the government required a 5-year stay in order to proceed with the conversion.

Automated gates for e-passport immigration clearance have been installed at the Soekarno-Hatta International Airport since 2012.

Transparency

The Presidential Regulation No.1/2013 requires all ministries and government institutions to provide access to public information, with the objective of increasing transparency and accountability. In addition, the government has launched the Gratification e-Module to enhance awareness among public officials and civil servants about gratuities and other illegal gifts and benefits.

RTAs/FTAs

Indonesia has reported eight RTA/FTAs in force¹¹. In January 2012, Indonesia ratified the Protocol to Implement the Eight Package of Commitments under the ASEAN Framework Agreement on Services (AFAS). Indonesia is currently involved in eight negotiations with the aim of achieving preferential trade agreements or expanding the scope of existing ones. Indonesia is one of the parties involved in the negotiation of the Regional Comprehensive Economic Partnership (RCEP).

¹¹ Indonesia's RTA/FTAs in force are the following ones: ASEAN (1992), ASEAN-China (2005), ASEAN-Korea (2007), Indonesia-Japan (2008), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), ASEAN-India (2010), Indonesia-Pakistan (2013).

Japan

Japan's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Most of MFN tariffs are low. Around 40.5 per cent of tariff lines are duty-free.
- However, some agricultural products are subject to high tariff peaks and concealed by non-ad valorem rates.
- Some export controls have been relaxed. Import quotas applicable to certain products.
- Reforms in immigration and visa system are ongoing in order to attract high-skilled foreign professionals.
- Efforts to revitalize the economy by attracting more foreign investment through the conclusion of investment agreements and new schemes such as the establishment of National Strategic Special Zones.
- While some WTO members have concerns in relation to Japan's sanitary and phytosanitary requirements and technical regulations and standards, Japan mentions that its regimes are in accordance with the WTO agreements.
- Efforts to streamline customs procedures by improving the single window system and promote paperless procedures.
- The Antimonopoly Act Amendment Bill was passed in December 2013.
- The Council for Regulatory Reform was established in January 2013 to deliberate comprehensive issues on regulatory reforms.
- Japan has increased its participation in the negotiation of trade agreements in recent years, including the Trans-Pacific Partnership Agreement and the Regional Comprehensive Economic Partnership.

Summary of Topics

Tariffs

Japan has not reported changes in its tariff system since the last 2012 Bogor Goals Progress Report. Most of Japan's MFN tariffs are low and around 40.5 per cent of the tariff lines are duty-free based on 2012 data. However, agricultural products face on average higher tariff rates (17.5 per cent) than non-agricultural products (3.7 per cent). Some agricultural products are subject to high tariff peaks. In some cases, they are concealed by non-ad valorem rates.

Non-Tariff Measures

Import quotas are applicable to certain fish products and controlled substances listed in the Montreal Protocol on Substances that Depletes the Ozone Layer. Japan reported that these quotas observe WTO agreements.

Japan maintains export controls via licensing to some products based on international commitments. The purpose is to preserve limited natural resources and ensure national security. In April 2012, the controls were slightly relaxed since Japan eliminated export approval

* This brief report was prepared with information from Japan's submission of 2014 APEC Individual Action Plan (IAP) template; the 2013 WTO Trade Policy Review - Report by the Secretariat - Japan; the minutes of the meeting of Japan's WTO Trade Policy Review from February 2013; and the Immigration Bureau of Japan and the Prime Minister of Japan and His Cabinet websites.

requirement of the Minister of Economy, Trade and Industry on fish flour and fish waste, fish mixtures for fish breeding, seminal roots and seedlings of mints, among others.

Services

In order to attract highly-skilled foreign professionals, Japan introduced the points-based immigration preferential treatment system in May 2012. And Japan also implemented a new residency management system in July 2012, which includes the extension of the maximum period of stay from three to five years and the revision of the re-entry system, which allows those foreigners that depart and return within a year not to apply for a re-entry permit.

The revised Postal Service Privatization Act was passed by the Diet in April 2012. The Act establishes that the Japan Post Group will have to provide universal services for postal services and fair access all over Japan to savings and insurance services through its postal network. The Act also indicates that Japan Post Holdings have to sell its shares of JP Bank and JP Insurance as soon as possible.

Investment

Between 2012 and 2013, Japan signed six investment treaties with seven economies.

A new initiative called “Japan Revitalization Strategy – Japan is Back” was launched in 2013, and then revised in 2014 as part of a comprehensive plan to formulate a new growth strategy for Japan. The initiative has been making progress in restoring confidence in the economy and revitalizing the Japanese industry. The plan includes accelerating the conclusion of investment agreements and doubling inward FDI stocks. The plan also includes the establishment of “National Strategic Special Zones” to attract funds and technology.

Standards and Conformance

Japan has reported participating actively in standardization organizations such as the International Organization for Standardization and the International Electrotechnical Commission. The work to harmonize standards and discuss conformity assessment issues is also discussed with experts from foreign economies.

Some concerns have been expressed in relation to Japan’s complex sanitary and phytosanitary (SPS) measures and technical regulations. Concerns about the appropriateness of risk assessment measures for SPS measures and transparency have also been raised, as well as approval procedures for food additives, pharmaceuticals and medical devices, among others. Nevertheless, Japan confirmed its regimes are in accordance with WTO/SPS and WTO/TBT agreements.

By the end of 2013, 19 specific trade concerns raised against Japan at the WTO SPS Committee had not reported a resolution. The most recent unresolved concerns raised in 2013 were beef and blueberries. Similarly, 11 specific trade concerns against Japan raised at the WTO TBT Committee had not reported a resolution.

Customs Procedures

The Japan Customs implemented a Time Release Study in March 2012. The results showed improvements in terms of the required average time for import procedures. The import procedures via sea cargo reduced their average time required for release from 62.4 hours in 2009 to 60.7 hours in 2012. For air cargo, it declined from 16 to 13.4 hours in a similar period.

Japan started the full implementation¹² of Mutual Recognition Arrangements on Authorized Economic Operators (AEO) with Canada and the United States.

Among other initiatives to improve customs procedures, Japan Customs promote single window through development of the Nippon Automatic Cargo and Port Consolidated System (NACCS) which includes function of processing procedures for several relevant administrative authorities. In addition, to promote paperless procedures, documents necessary for customs clearance can be submitted in electronic format since October 2013.

Intellectual Property Rights (IPR)

As reported in the 2012 Bogor Goals Progress Report, Japan started the Patent Prosecution Highway (PPH) with counterparts in several APEC economies to grant IPR faster and more efficiently. A new scheme called Global PPH was started afterwards and Japan is one of the participating parties.

Japan becoming the first Party to the Anti-Counterfeit Trade Agreement (ACTA) on 5 October 2012

Competition Policy

In December 2013, the Antimonopoly Act Amendment Bill was passed. Among the main changes, it abolishes the Japan Fair Trade Commission's (JFTC's) hearing procedure for administrative appeal and includes stipulations such as the introduction of a system in which appealing suits to cease and desist orders/surcharge payment orders shall be subject to the jurisdiction to Tokyo District Court to ensure the expertise of the court and judgments made by a panel of three to five judges.

Government Procurement

Japan participated in the negotiation of the WTO Government Procurement Agreement, which was successfully concluded in December 2011 and the Protocol Amending the Agreement on Government Procurement, which entered into force in April 2014.

Deregulation/Regulatory Review

The Council for Regulatory Reform was established in January 2013 in order to deliberate comprehensive basic issues on regulatory reform.

Mobility of Business People

As mentioned previously in the Services section, Japan started the implementation of a new residency management system for foreigners in July 2012.

RTAs/FTAs

Japan has reported 13 Economic Partnership Agreements (EPA) or Free Trade Agreements in force¹³ and 1 EPA signed¹⁴. In addition, Japan has reported its participation in eight trade agreement negotiations, including the Trans-Pacific Partnership Agreement (TPP) and the

¹² Before December 2012, the coverage of the MRA was partial and only covered exports from Japan to the United States.

¹³ Japan's RTA/FTAs in force are the following ones: Japan–Singapore (2002), Japan–Mexico (2005), Japan–Malaysia (2006), Japan–the Philippines (2008), Japan–Chile (2007), Japan–Brunei Darussalam (2008), Japan–Indonesia (2008), Japan–Thailand (2007), Japan–ASEAN (2009), Japan–Viet Nam (2009), Japan–Switzerland (2009), Japan–India (2011), and Japan–Peru (2012).

¹⁴ The Japan–Australia EPA was signed in August 2014.

Regional Comprehensive Economic Partnership (RCEP). The government plans to increase the ratio of trade covered by FTAs from 23 per cent at present to 70 per cent by 2018.

Korea

Korea's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Despite initiatives to reduce MFN tariffs, the average MFN tariff rate is still high, in particular in the agriculture sector.
- MFN tariff peaks above 50 per cent still remain in 1.5 per cent of tariff lines.
- No licensing, registration or notification is required for exporters and importers.
- Liberalization of services sectors has continued in recent years, but restrictions in foreign ownership are still in force in a number of specific sectors.
- Efforts to attract more FDI through tax incentives
- Korea is increasing the alignment of its domestic standards to international standards.
- The implementation of Authorized Economic Operators programs and the Advance Manifest System are helping to expedite customs procedures and strengthen security systems.
- Solid intellectual property rights system. Amendments to domestic regulations to strengthen IPR.
- Ongoing efforts to simplify Korea's regulatory system. Regulations are regularly assessed to ensure their relevance.
- Korea is building an extensive FTA network and implementing commitments with FTA partners to liberalize trade in goods, services and investments.

Summary of Topics

Tariffs

Korea's simple average MFN tariff rate was equivalent of 13.3 per cent in 2012, higher than the rate reported in the 2011 (12.6 per cent). However, this is not explained by an increase of protectionism, but by the implementation of the 2012 HS nomenclature, which includes additional tariff lines subject to high tariff rates. In fact, Korea is trying to achieve further liberalization by reducing tariffs on 37 products in 2012 and 6 products in 2013.

Nearly 90 per cent of the tariff lines are subject to MFN tariffs below 15 per cent. However, 1.5 per cent of the tariff lines are subject to MFN tariffs above 50 per cent. Tariffs are still high in some sectors, in particular in the agriculture sector. The average MFN tariff for agricultural products is more than eight times higher than that for non-agricultural products.

Non-ad valorem duties are applied to certain products, mostly agricultural products.

Non-Tariff Measures

No licensing, registration or notification is required to exporters or importers. 92 export/import prohibitions and restrictions are applied, but they have been notified at WTO and reported to be in compliance with international agreements and implemented for legitimate reasons such

* This brief report was prepared with information from Korea's submission of 2014 APEC Individual Action Plan (IAP) template; the WTO SPS and TBT Information Systems; and the 2012 WTO Trade Policy Review – Report by the Secretariat - Korea.

as the protection of morals; human, animal or plant life or health; environmental conservation; or essential security interests.

Services

Liberalization of services sectors has continued through the implementation of RTA/FTAs, in particular, by making commitments in the FTAs with the United States and the European Union.

In order to facilitate the international exchange of professional architects, the Certified Architects Act was amended and entered into force in May 2012. The amendment includes the reformation of the examination system, the reinforcement of on-the-job training and the introduction of an architect registration system, among others.

Changes also took place in the maritime agency services sector. The Ministerial Decree on Maritime Transport was amended and entered into force in October 2011, in order to simplify registration requirements.

Some restrictions in foreign ownership remain in certain sectors such as telecommunications and air transport.

Investment

In order to attract FDI, Korea is providing incentives to attract headquarters of global businesses and R&D centers, through the reduction of corporate, income and property taxes, as well as exemptions on tariffs, value-added tax and certain excise duties. In addition, Korea is working on improving on the predictability and transparency of policies for foreign investors.

As at September 2013, Korea had reported Bilateral Investment Treaties (BIT) with 95 economies. BITs with 87 economies were enforced by that time.

Standards and Conformance

As at July 2014, 13,373 out of 20,192 standards in Korea had been harmonized with international standards, equivalent to an adoption rate of 66.2 per cent. The adoption rate has increased in recent years. The previous 2012 Bogor Goals Progress Report had mentioned that Korea's adoption rate was equivalent to 60 per cent by December 2010.

Korea is actively participating in international standardization activities at international bodies, such as International Electrotechnical Commission (IEC) and the International Organization for Standardization (ISO). Korea is a participating member in 737 ISO technical committees and sub-committees (TC/SCs) and 187 IEC TC/SCs.

By the end of July 2014, five specific trade concerns raised against Korea at the WTO SPS Committee had not reported a resolution. The most recent unresolved concern involved fishery products. Similarly, 30 specific trade concerns against Korea raised at the WTO TBT Committee had not reported a resolution. The most recent concerns involved the establishment of a self-certification system for car parts and a labelling regime for cell phones.

Customs Procedures

In terms of activities to streamline customs procedures, Korea introduced the Advance Manifest System, which helps to facilitate trade and enhance logistics security at the same time.

Korea has concluded Mutual Recognition Arrangements on Authorized Economic Operators with nine economies. Korea has also been in consultation with Chile regarding the establishment of an exchange system for electronic certificates of origin under the Korea-Chile FTA.

Intellectual Property Rights

In recent years, Korea has implemented reforms in its IPR system as part of its commitments in the Korea-United States FTA and World Intellectual Property Organization (WIPO) treaties. In particular, Korea incorporated new amendments to the Copyright Act, which entered into force in March 2012. The amendments expand the protection to temporary reproduction of copyright works and require online services providers to provide information of alleged infringers. The protection of copyrights was extended from 50 to 70 years.

Among other changes, the Patent Act was amended to simplify patent application procedures. The Trademark Act was also modified to expand the type of protected types of trademarks and include sound and scent trademarks. The Design Protection Act was amended to extend the scope of multiple designs by allowing an applicant to file up to 100 designs and extend the protection period from 15 years since the date of registration to 20 years since the date of application. Korea joined the Hague System on March, 2014 and started providing international industrial design registration services as at July 2014.

Competition Policy

After the adoption of the Competition Impact Assessment in 2009, Korea conducted a competition assessment on 407 Bills, by 2012, to be enacted or amended. The assessments suggested market-friendly alternatives to 26 Bills which could restrict competition.

In order to create a fair trade atmosphere between conglomerates and SMEs, Korea introduced the Act on Fair Transactions between Large Franchises and Retail Businesses, which entered into force in January 2012.

Korea is also strengthening international cooperation in this area. In 2012, Korea and China signed a Memorandum of Understanding on competition policy.

Government Procurement

To promote fair dealing and transparency, Korea started the Ombudsman Program in 2013, in which civil ombudsmen are invited to monitor the evaluation process of proposals for large scale constructions, IT services, among others. Moreover, Korea established an Online Subcontract Management System to enable electronic business dealings such as subcontracting, payment monitoring, among others.

Korea reported that it has implemented additional liberalization in government procurement after the FTA with the United States entered into force in March 2012.

Deregulation/ Regulatory Review

One of the Korean Government's objectives is to improve Korea's regulatory system, by simplifying it and reducing the cost of the regulations. In this regard, Korea has been simplifying or eliminating excessive or unnecessary paperwork, in particular on those affecting SMEs mostly.

Korea is constantly assessing regulations to make sure they are relevant and do not overlap with other regulations.

Dispute Mediation

Korea is actively participating in the negotiations of the Dispute Settlement Understanding at WTO.

Mobility of Business People

Korea started the implementation of the Korea-United States automatic immigration clearance service in June 2012. A similar scheme started with Hong Kong, China's residents in December 2013. The intention is to facilitate travel and enhance border control systems.

RTAs/FTAs

Korea has reported nine RTA/FTAs in force¹⁵ and two RTA/FTA negotiations concluded. Currently, Korea is actively involved in seven negotiations towards a trade agreement, including the Regional Comprehensive Economic Partnership.

¹⁵ Korea's RTA/FTAs in force are the following ones: Korea–Chile (2004), Korea–EFTA (2006), Korea–Singapore (2006), Korea–ASEAN (2007), Korea–United States (2012), Korea–India (2010), Korea–EU (2011), Korea–Peru (2011), Korea–Turkey (2013).

Malaysia

Malaysia's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Average MFN tariffs are relatively low. However, some agricultural products and manufactures are still subject to high MFN tariffs above 50 per cent.
- Import licenses have been eliminated for a number of products, but they are still needed for imports under 60 product categories.
- Export taxes and restrictions are applied for some products considered essential to safeguard domestic supply.
- Deep liberalization in services sectors in recent years.
- More opportunities for foreign investors as reforms are loosening investment restrictions.
- To facilitate the recognition of products suitable for commercialization, the number of accreditation schemes, laboratories, certification bodies and inspection parties has increased in the last two years.
- Initiatives to streamline customs procedures such as the Authorized Economic Operators and the National Single Window are being expanded.
- Several measures to strengthen IPR, including amendments to the Copyright Act, the Industrial Designs Regulations and the Geographical Indications Regulations.
- Step forward in competition policy and dispute mediation with the implementation of the Competition Act, the Mediation Act and the amendments to the Arbitration Act.
- Government emphasis in deregulation and regulatory reforms to promote fair competition and reduce the cost of doing business.

Summary of Topics

Tariffs

Malaysia has continued reducing tariffs on a number of products, including 473 tariff lines in 2010, 265 in 2012 and six in 2013. Many of the products that experienced tariffs cut in recent years were consumer products (e.g. clothing). Malaysia's average MFN tariff is relatively low, at 5.6 per cent in 2013.

However, high MFN tariffs are still applied to some agricultural and non-agricultural products. In the case of agricultural products, some tariff rates could reach 90 per cent (e.g. round cabbage) or high tariff rates could be concealed under non-ad valorem rates. As for non-agricultural products, articles of stone and transport equipment faced the highest MFN average tariffs rates.

Tariff-rate quotas are still maintained for 20 tariff lines concerning agricultural products.

Non-Tariff Measures

Between 2008 and 2012, Malaysia eliminated the import licensing requirement for 59 tariff lines. Nevertheless, permits or approvals and inspections are still needed for imports under 60

* This brief report was prepared with information from Malaysia's submission of 2014 APEC Individual Action Plan (IAP) template; the 2014 WTO Trade Policy Review – Report by the Secretariat – Malaysia; the WTO SPS and TBT Information Systems; and information from the Ministry of International Trade and Industry and the Economic Planning Unit.

product categories. Malaysia reported that these procedures are required to meet international commitments and safeguard national security, public health and safety. These procedures are also used for monitoring purposes.

Licensing requirements are also required for exports under 25 product categories. Also, exports under 39 product categories are subject to permits or approvals and inspections. Export taxes are also applied to some products. These restrictions and taxes are being applied to products considered as essential to guarantee domestic supply.

Services

Malaysia continues implementing measures to liberalize services sectors. Since 2009, the government announced the liberalization of 45 services sub-sectors to allow foreign participation, such as telecommunications via application services providers, courier services, some educational services (e.g. technical and vocational secondary education), distribution services and some professional services (e.g. legal, architectural, engineering), among others. Only three out of the 45 services sub-sectors are pending amendments in their domestic legislation for full implementation.

A dedicated services webportal www.myservices.miti.gov.my was launched in December 2012. The website provides detailed information on Malaysia's services sector, including regulations and commitments in RTA/FTA and at the multilateral level.

Investment

Foreign investment is allowed in more sectors after the measures implemented by the government with the objective to increase Malaysia's competitiveness. FDI still faces restrictions in some areas such as fisheries, energy, telecommunications, air and maritime transport. Foreign investors are facing increasing restrictions to purchase property, since the minimum property value allowed was increased from MYR 500,000 to MYR 1 million.

To attract FDI, as at October 2013, Malaysia had signed 74 Investor Guarantee Agreements, 64 of which were in force, as well as double taxation agreements with 70 economies.

Standards and Conformance

Malaysia has developed 6,575 standards with an alignment with international standards equivalent to 58.8 per cent. In comparison to the 2012 Bogor Goals Progress Report, Malaysia has increased the number of accreditation schemes from four to five; accredited laboratories from 542 to 626; accredited certification bodies in several areas from 43 to 51; and accredited inspection bodies from six to eleven. Malaysia also has four facilities for Good Laboratory Practices Compliance Tests.

Malaysia is participating actively in the International Standardization Organization, the International Electrotechnical Commission and the Pacific Accreditation Cooperation.

By the end of 2013, three specific trade concerns raised against Malaysia at the WTO SPS Committee had not reported a resolution. The most recent unresolved concerns raised in 2011 involved pork products. Similarly, three specific trade concerns against Malaysia raised at the WTO TBT Committee had not reported a resolution. The most recent concern was raised in 2012 and involved protocols for halal meat and poultry production.

Customs Procedures

The Authorized Economic Operator (AEO) Program has been expanded. Between December 2011 and December 2013, 37 companies gained AEO status.

Malaysia also continues to implement initiatives to streamline customs procedures. The National Single Window offers five services. Three of them have been fully implemented: eDeclare (for import/export declarations), eManifest (for cargo and vessel manifests) and ePCO (for preferential certification). The ePayment (for online duty payment) has been implemented in 6 Malaysian states (42.8 per cent) and the ePermit (for import/export permits) has been implemented by 26 permit issuing agencies (96.3 per cent).

Intellectual Property Rights

In recent times, Malaysia has implemented several measures to strengthen IPR. The Copyright Act was amended and entered into force in 2012. The amendments include new provisions on anti-camcording, internet service provider's liability and circumvention of technological protection measures. Similarly, Malaysia introduced the Copyright Voluntary Notification System to facilitate the registration of copyright work at the Intellectual Property Corporation of Malaysia (MyIPO).

In 2013, the IP Valuation initiative was launched. The intentions of this initiative are to facilitate IP owners to obtain funds by utilizing IP as collateral and to encourage transactions concerning IP among industry players. In the same year, Malaysia also amended the Industrial Designs Regulations, which includes provisions on worldwide novelty and increase term of protection to 25 years; and the Geographical Indications Regulations, which include provisions on eligibility, registration and renewal of geographical indication agents.

Malaysia also joined two international treaties under the administration of the World Intellectual Property Organization (WIPO): the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

Competition Policy

The Competition Act came into force on 1 January 2012. This Act created the Malaysia Competition Commission, which has been undertaking investigations on cases of possible infringement of the competition laws. The Malaysia Competition Commission is also undertaking market studies, introducing guidelines on competition policy topics and organizing competition advocacy programs.

Government Procurement

Efforts are being implemented to improve transparency in government procurement. Malaysia is implementing an electronic procurement (eP) system in government agencies. The Treasury Instruction Letter on 28 June 2013 stipulates that Cost Responsibility Centres of government agencies are required to ensure that at least 75 per cent of their annual allocation of procurement is conducted online through the eP system.

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

Deregulation/Regulatory Reform

Malaysia is working actively to promote a transparent, sound and fair regulatory environment with the aim of removing market distortions, encourage competition and reduce the cost of

doing business. Emphasis is being given on establishing electronic portals for on-line transactions, setting up one-stop shops, reducing red tape, streamlining business formalities and procedures, structural reforms in services sectors and rationalizing the role of public sector in public healthcare, electricity and telecommunications.

Dispute Mediation

The Mediation Act entered into force on 1 August 2012. The Act seeks promoting and encouraging mediation as a method of Alternative Dispute Resolution and facilitating a fair settlement of disputes in a fast and cost-efficient manner.

The Arbitration Act was amended in July 2011. The amendments seek to enhance arbitration law in Malaysia by giving greater independence to the arbitral processes and lessen possible interventions from the courts.

Transparency

All policies, laws and regulations are publicly available in the relevant Ministries and Agencies' websites. On 15 July 2013, Malaysia formalized the requirement for all Federal Government regulators to undertake a Regulatory Impact Assessment (RIA) and present a Regulatory Impact Statement (RIS) when creating or reviewing regulation that may impact businesses. It is expected this requirement is going to enhance transparency, accountability and openness.

The Malaysia Productivity Corporation has created the RIS portal, <http://ris.mpc.gov.my>, as a platform for public consultation in drafting new regulations and amending existing regulations. Stakeholders can provide feedback through this website.

RTA/FTAs

Malaysia has reported 12 RTA/FTAs in force¹⁶. Malaysia is currently participating in four RTA/FTA negotiations, including the Trans-Pacific Partnership Agreement and the Regional Comprehensive Economic Partnership.

¹⁶ Malaysia's RTA/FTAs are the following ones: ASEAN (1992), ASEAN-China (2005), Malaysia-Japan (2006), ASEAN-Korea (2007), Malaysia-Pakistan (2008), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), ASEAN-India (2010), Malaysia-New Zealand (2010), Malaysia-Chile (2012), Malaysia-India (2011), and Malaysia-Australia (2013).

Mexico

Mexico's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Extensive reforms in Mexico's tariff structure. The structure has been simplified and a wide array of products had their MFN tariff reduced.
- Tariff reduction has involved both agricultural and non-agricultural products. However, tariff rate quotas remain applicable for some agricultural products; and some high MFN tariffs, as well as export and import licensing requirements, are still in place.
- Increased competition in services sectors. Extensive reforms are creating a more competitive environment.
- Constitutional amendments are allowing the participation of foreign investors in sectors such as telecommunications, and some activities related to hydrocarbon activities.
- Efforts to simplify customs procedures and strengthen intellectual property rights.
- Constitutional reforms are improving the competition framework in Mexico.
- Regulatory reforms are ongoing. Regulatory Impact Assessments are incorporating new tools to facilitate the process of improving regulations.

Summary of Topics

Tariffs

In recent years, Mexico has implemented significant reforms in this area. On the one hand, the tariff structure has been simplified, from 88 different tariff rates in 2007 to 28 tariff rates in 2012. On the other hand, during the period 2012-2013, Mexico reduced or eliminated MFN tariffs unilaterally to a wide array of products such as cheese, fish, rubber and cork manufactures, glass, jewelry, refrigerators, electronic devices, motorcycles, oils, eggs, chemical products, footwear, clothing and inputs for wood industry, metal furniture, among others.

Some products had their MFN tariffs increased temporary (e.g. lemons, tomatoes, white corn and sorghum), but these cases were minimal in comparison to the number of products whose tariffs were reduced or eliminated. According to the 2012 tariff structure, 78.9 per cent of the tariff lines entered Mexico duty-free or paying an MFN tariff lower than 10 per cent. Only 9.6 per cent of the tariff lines had MFN tariffs above 15 per cent.

Non-Tariff Measures

Mexico applies tariff rate quotas to some agricultural and industrial products, such as cheese, coffee, barley, oats, sugar, motor vehicles and toys, among others.

Import prohibitions and restrictions are applied to certain products. Restrictions could be applied to regulate the entry of used goods; temporarily to remedy imbalances in the balance of payments; in response of restrictions to Mexican products overseas; or due to security;

* This brief report was prepared with information from Mexico's submission of 2014 APEC Individual Action Plan (IAP) template; the 2013 WTO Trade Policy Review – Report by the Secretariat – Mexico; the WTO SPS and TBT Information Systems; and information from Presidencia de la República, México website.

animal, plant, or human health and safety; environmental reasons; and commitments in international organizations.

Export licenses remain for certain products, such as petroleum products, diamonds, iron ores and conventional weapons, including technology and software to produce weapons of mass destruction. An automatic export license is required for tomatoes.

Services

Changes in regulations during 2013 are promoting more competition in many services sectors. For example, amendments to the Constitution with respect to telecommunications, broadcasting and ICT- related services are allowing foreign participation up to 100% in telecommunications and up to 49% in broadcasting. In addition, those amendments are improving the legal framework for telecommunications and broadcasting, as well as strengthening the institutional framework through the creation of the Federal Telecommunications Institute (IFT), Federal Economic Competition Commission (COFECE)¹⁷, specialized courts and a non-commercial public agency of broadcasting. The amendments are also establishing a digital inclusion policy and a national digital agenda, with targets in the provision of access to internet (70% of households and 85% of SMEs)¹⁸

In the energy sector, on 22 December 2013, Mexico enacted the "DECREE Amending, Supplementing and Repealing certain provisions of Articles 25, 27 and 28 of the Constitution of the United Mexican States", the purpose of which is to modernize the energy sector. This constitutional amendment, which still needs to be implemented through secondary legislation, provides greater autonomy to *Petróleos Mexicanos* (Pemex) and the Federal Electricity Commission (CFE), the two state-owned enterprises which control, respectively, the oil and electricity sectors in Mexico and aims at facilitating the supply of services and attracting investment in the Mexican oil and electricity sectors¹⁹.

Amendments applicable to financial services are being implemented with the purpose of promoting growth in credit and investment, fostering more competition and transparency among the participants of the financial sector, and protecting consumers.

Investment

Reforms in the telecommunications sector in June 2013 are allowing full foreign ownership in companies in this sector, including via satellite services. The reforms in radio and television broadcasting allows up to 49 per cent of foreign ownership under the condition of reciprocity with the economy, in which the investor, or the operator who ultimately controls the company directly or indirectly, is incorporated.

On 20 December 2013, amendments to the Mexican Constitution focused on reforming the energy sector were published on the Federal Official Gazette. These amendments include the possibility for private capital to participate in the oil industry through contracts for services, production-sharing, profit-sharing, and licenses. The exact terms of private sector participation in these activities needs to be defined by secondary legislation to be issued later.

¹⁷ With autonomy from the central government.

¹⁸ The amendments are supporting the deployment of new infrastructure for broadband, including a wide backbone with optic fiber in the Mexican territory, and a wholesale wireless network.

¹⁹ According to Mexico, the amendment guarantees international standards of efficiency, transparency and accountability, and promotes social responsibility and environmental protection in the energy sectors.

A Decree was published in the Federal Official Gazette on 10 January 2014, in order to put in force measures aiming to reform the regulation of the Mexican financial sector. This decree eliminated all remaining restrictions pertaining specifically to foreign participation in the financial sector, particularly those related to insurance and bonding institutions, exchange houses, bonded warehouses, retirement funds management and credit information companies, securities rating agencies and insurance agents.

Mexico is also negotiating Bilateral Investment Treaties (BIT) with partners around the world. Mexico has signed 30 BIT so far. Currently, 29 of them are in force. In addition, Mexico has renegotiated, signed or implemented 19 agreements on avoidance of double taxation between December 2011 and January 2014.

Standards and Conformance

Mexico reported that domestic standards are aligned to international standards to the extent possible.

During 2012 and 2013, Mexico issued or modified several technical regulations in order to align them with the Federal Law on Consumer Protection. In addition, many drafts of technical regulations were released, which include issues on labelling, quality tests, verification methods, and product specifications.

By the end of 2013, five specific trade concerns raised against Mexico at the WTO SPS Committee had not reported a resolution. The most recent concern was raised in 2011 and involved beef products. Similarly, since 1995, 12 specific trade concerns against Mexico have been raised at the WTO TBT Committee. The most recent concerns raised in 2013 were related to test methods and limits to maximum electrical power limits for equipment and appliances requiring standby power.

Customs Procedures

Within Mexico, besides customs checkpoints in ports of entry, internal checkpoints within the Mexican territory have been in place for the last 50 years. In November 2013, Mexico started to remove these internal chokepoints as they are unnecessary nowadays and increase time and costs for traders.

Mexico has been working to simplify its customs procedures in order to adopt the Revised Kyoto Convention of the World Customs Organization. Mexico has been introducing non-intrusive equipment for scanning and detecting prohibited goods, and strengthening the risk management systems during customs clearance. In addition, further progress has been made to improve the running of the Single Window for Trade System (*Ventanilla Única*) simplifying the requirements for foreign trade, and Mexican customs have implemented the use of electronic signatures for customs clearance procedures. Furthermore, the Electronic Data Processing Centre was created to monitor real time incidents in the 49 customs checkpoints disseminated across the economy.

Intellectual Property Rights

Mexico has been implementing measures to strengthen its IPR system. During the period 2012-2013, the Mexican Federal Copyright Law was amended to increase sanctions to copyright infringements and allow the National Institute of Copyrights to execute investigations and conduct inspections on suspected cases of infringement.

In order to ensure an expeditious granting of IPR, Patent Prosecution Highway, Pilot and Permanent Programs, have been in force since 2011 with counterparts from the United States (2011), Spain (2011), Japan (2011), Korea (2012), China (2013), Singapore (2014) and Canada (2014). Also, on-line trademark applications are allowed since September 2012 and on-line industrial design applications can be submitted since November 2012.

Mexico is participating actively in international organizations such as WIPO and APEC, and has ratified international agreements such as the Madrid Protocol concerning the international registration of marks.

Competition Policy

The Constitutional reform of 2013 and the Federal Law of Economic Competition (FLEC) of 2014 are helping to improve free market participation and economic competition in Mexico. Among the changes, the Federal Economic Competition Commission (COFECE) was created as an autonomous body with budgetary, technical and operational independence; seven new Commissioners were elected using technical criteria stipulated in the new FLEC; and specialized courts have been created.

The Commission also has the capacity to order measures to eliminate barriers to competition and free market participation; to regulate the access to essential inputs; and to order the divestiture of assets, rights or shares of the economic agents in necessary proportions to eliminate anticompetitive effects.

Government Procurement

Mexico's government procurement system includes domestic public tenders and international public tenders. Domestic public tenders are only open for Mexicans and the goods offered must have at least 65 percent of domestic content. International public tenders are open only to Mexicans and suppliers from signatory parties with a government procurement chapter in an FTA in which Mexico is a party; or when there is insufficient supply in terms of quality, quantity or price, tenders are open to any party regardless their origin. Since January 2012, international open public tenders are carried out after a domestic public tender has been unsuccessful or when this is specified in contracts financed by external loans granted by the Federal Government.

Deregulation/Regulatory Review

In November 2012, changes were made to the Regulatory Impact Assessment (RIA) system by incorporating checklists to the alert system (i.e. the regulatory impact calculator) to determine whether or not the regulation require a deeper competition analysis or a risk analysis. New tools have been implemented since March 2013 to assess the economic impact arising from regulations. They include a RIA with competition assessment (in coordination with the competition authority), RIA with risk analysis and ex-post RIA.

Transparency

All laws, regulations, procedures and administrative rulings of general application are published daily at the Official Gazette of the Federation, which is not only available in print, but also is available in electronic format via internet. Before their publication at the Federal Official Gazette, drafts of regulations are available and stakeholders can submit comments to the Federal Commission of Regulatory Improvement.

Mobility of Business People

In 2013, Mexico reported that the demand for the APEC Business Travel Card (ABTC) increased in 50 per cent in comparison to the number of ABTC issued in the past four years.

The Trusted Traveler initiative has been implemented to provide fast track lanes, entrance/departure facilities and a broad range of security measures in Mexico. The use of the Trusted Traveler initiative allows for a quick and safe entry to Mexico using automated kiosks. Mexican citizens and American citizens enrolled in the Global Entry Program are eligible to participate in this scheme.

RTA/FTAs

As at December 2013, Mexico had in place 10²⁰ FTAs and other Economic Complementations and Partial Scope Agreements within the framework of the Latin American Integration Association (ALADI) with 45 economies.

Currently, Mexico is part of the negotiations for the Trans-Pacific Partnership Agreement. Also, Mexico is involved in the Pacific Alliance, a regional integration process in which Chile, Colombia and Peru participate as well. Furthermore, Mexico signed a free trade agreement with Panama on April 3rd, 2014. This FTA will enter into force once the Congress of both countries approves it.

²⁰ Mexico's RTA's/FTAs in force are the following: NAFTA (1994), Mexico–Colombia (1995), Mexico–Chile (1999), Mexico–EU (2000), Mexico–Israel (2000), Mexico–EFTA (2001), Mexico–Uruguay (2004), Mexico–Japan (2005), Mexico–Peru (2012), and Mexico–Central America (2012).

New Zealand

New Zealand's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Low MFN average tariffs. No import restrictions or prohibitions on commercial grounds.
- New regulations in a number of services sectors to establish clear rules and set a proper regulatory environment to encourage services activities.
- Foreign investment policies are open in comparison to international standards.
- A high percentage of standards are aligned with Australia. New Zealand is actively participating in relevant international fora in this area.
- Trade facilitation initiatives being implemented, such as the Trade Single Window to send cargo information electronically to a single platform.
- Policies to improve the efficacy of the intellectual property system have been implemented by amending existing regulation. New Zealand is also harmonizing procedures for patents with Australia under the Single Economic Market.
- Major regulatory reviews were conducted in recent years. An annual regulatory planning system is maintained.

Summary of Topics

Tariffs

MFN tariff rates are equal to 0, 5 and 10 per cent. In October 2013, the New Zealand Government announced that tariff will remain unchanged until at least 30 June 2017, except when tariff concessions have been agreed through the negotiation of trade agreements.

New Zealand continues reducing tariffs through negotiations of trade agreements. In fact, an agreement with Chinese Taipei entered into force on 1 December 2013. Most of the New Zealand tariffs under this agreement were eliminated on that date and the remaining products will have their tariffs eliminated by 2017.

Non-Tariff Measures

New Zealand does not apply import restrictions or prohibitions on commercial grounds or to protect the domestic industry. In recent years, some measures have been introduced to regulate the entry of certain goods for public health and security reasons, such as the Psychoactive Substances Act 2013, the Biosecurity Law Reform Act 2012 and the National Animal Identification and Tracing Act 2012.

Through the Dumping and Countervailing Duties Amendment Act, New Zealand also clarified rules to assess and make decisions on applications for refunds of anti-dumping duties paid in excess of the margin of dumping.

Services

New Zealand has introduced a wide array of domestic regulations in several services sectors in recent years. In general, the measures aim to outline clear responsibilities based on new

* This brief report was prepared with information from New Zealand's submission of 2012 APEC Individual Action Plan (IAP) template; the WTO TBT Information System and information from The Treasury website.

developments in the market, establish clear rules and keep a proper regulatory environment to encourage services activities. For example, in the education sector, the Education Amendment Act 2013 was passed to set out the necessary legal framework for the introduction of a new type of school called Partnership Schools/Kura Hourua.

In the environmental sector, a framework to promote sustainable management of New Zealand's natural resources in its exclusive economic zone and continental shelf entered into force in 2013.

In the financial sector, the Financial Markets Conduct Act was passed in 2013. Among the new rules, the Act establishes new licensing regimes for specific financial services (such as fund managers and derivatives issuers) and regulates new forms of capital-raising like peer-to-peer lending and crowd-funding. Also, the Financial Reporting Act was passed in the same year to allow shareholders of SMEs to decide whether the company must prepare financial statements. The intention is to improve capital markets and reduce compliance costs.

Investment

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

To provide additional incentives to investors, New Zealand is negotiating agreements to avoid double taxation. Two of these agreements were signed with Japan and Papua New Guinea. Both entered into force in 2013.

Standards and Conformance

As of June 2013, New Zealand had 3,193 standards in its catalogue, 100 more standards than in June 2011. 33 per cent of them were identical to the International Standardization Organization (ISO) and International Electrotechnical Commission (IEC) standards. Nine per cent were modified adoptions of ISO or IEC standards. Eighty-two per cent of all standards were aligned with Australia.

New Zealand has been participating actively in bilateral recognition agreements. An example is the amendments to the Mutual Recognition Agreement between New Zealand and the European Union in January 2013.

New Zealand is participating actively in relevant international fora such as the WTO TBT and SPS Committees. In the area of legal metrology, New Zealand has an active participation in the International Organization for Legal Metrology (OIML) and the Asia-Pacific Legal Metrology Forum (APLMF). In general consumer product safety, New Zealand participates in the International Consumer Product Health & Safety Organization (ICPHSO) as well as in the International Consumer Product Safety Caucus (ICPSC).

In order to protect public health, New Zealand has notified the WTO TBT Committee that it has introduced legislation to its Parliament which (if it becomes law) would implement plain packaging of tobacco products in New Zealand. This initiative has been raised as a specific trade concern at the WTO, most recently in March 2014, on the grounds that plain packaging is inconsistent with three WTO agreements. However, New Zealand and other WTO Members

believe that tobacco plain packaging is a legitimate and necessary public health measure and therefore consistent with Members' WTO obligations.

Customs Procedures

The New Zealand Customs and the Ministry for Primary Industries are implementing the Joint Border Management System, whose first stage includes a Trade Single Window. This system allows parties to send cargo information electronically to one platform, instead of doing it to separate entities. In addition, the system helps to improve coordination among different agencies and release goods in a faster and consistent way.

Intellectual Property Rights

Policies to improve the efficacy of the intellectual property system are being implemented. For example, the Patents Act 2013 was enacted in September 2013 in order to provide stricter criteria for granting patents. In addition, the Copyright Act was amended in 2013 to adjust the period to prevent the parallel importation of copies of films from nine to five months of the film's public release.

In recent times, New Zealand joined three international treaties on trade marks. On 10 December 2012, New Zealand put in force the Madrid Protocol (international registration of marks) and the Singapore Treaty (trademarks law). On 6 October 2013, the Nice Agreement (international classification of goods and services for registration of marks) was put in force as well.

As part of the Single Economic Market between Australia and New Zealand, both sides have agreed to have single patent application and examination processes. Similarly, they have agreed to implement a single trans-Tasman registration regime for patent attorneys practicing in both economies.

Competition Policy

In order to achieve the objectives of the Single Economic Market between Australia and New Zealand, the Commerce Commission (International Co-operation, and Fees) Act was brought into force in October 2012 to enhance cooperation between competition and consumer regulators in both economies. In the same way, the Consumer Law Reform Bill was passed by the Parliament in December 2013, with the purpose of aligning New Zealand's consumer laws with those of Australia.

Amendments to the Dairy Industry Restructuring Act 2001 were made to increase competitive pressure Fonterra faces in the farm gate market for farmers' milk. Fonterra is a co-operative that collects about 88 per cent of the milk produced in New Zealand. The Act stipulates that Fonterra must accept milk offers from dairy farmers in New Zealand and allow a relatively costless exit from the co-operative. Also, the Act was amended to increase the transparency of how Fonterra sets the price it pays for milk at the farm gate and introduce a milk price monitoring regime by the New Zealand Commerce Commission.

Government Procurement

The government procurement system is open, transparent and accountable. New Government Rules of Sourcing were published in 2013. These rules represent government standards of good practice for procurement planning, approaching the market and contracting.

New Zealand is negotiating its accession to the WTO Government Procurement Agreement.

Deregulation/Regulatory Review

Eighteen major regulatory reviews were completed recently in a number of areas such as air transport, capital markets, food regulation, milk products, electricity and telecommunications, among others. In addition, the Productivity Commission completed inquiries on local government regulation, trans-Tasman economic integration, housing affordability and international freight transport costs.

An annual regulatory planning system is maintained and a Regulatory Impact Analysis regime is in place to review proposed regulation.

Mobility of Business People

Immigration New Zealand has introduced two new visa facilitation mechanisms for high value travelers. Holders of gold class status in Air New Zealand and China Southern Airlines can use evidence of that status as a proxy for evidence of funds when applying for a visitor visa.

An automated border processing system was opened for United Kingdom and United States ePassport holders for departures in July 2013. In addition, U.S. Global Entry Members arriving at Auckland, Wellington and Christchurch can use a dedicated line now.

Transparency

New Zealand accepted an invitation to join the Open Government Partnership (OGP) in April 2014. The OGP was launched to provide an international platform for domestic reformers committed to making their governments more open, accountable and responsive to citizens.

RTA/FTAs

New Zealand has nine FTAs/RTAs in force²¹. On 1 December 2013, a FTA with Chinese Taipei entered into force. New Zealand also reported its participation in seven FTA negotiations, including those for the Trans-Pacific Partnership Agreement and the Regional Comprehensive Economic Partnership.

Labor and Environment

New Zealand has concluded legally-binding side agreements on labor and environment, in the context of the ASEAN-Australia-New Zealand FTA, with Indonesia. The core elements are related to cooperation, consultation and agreed common principles on trade and labor and trade and environment.

²¹ New Zealand's RTA/FTAs that have been concluded previously are as follows: New Zealand–Australia (1983), New Zealand–Singapore (2001), P4 (2006), New Zealand–Thailand (2005), New Zealand–China (2008), ASEAN–Australia–New Zealand (2010), New Zealand–Malaysia (2010), and New Zealand–Hong Kong, China (2011).

Papua New Guinea

Papua New Guinea's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- The tariff reduction program set in 2011 is ongoing. However, there were tariff increases for two products in 2013.
- 75 per cent of all imports enter duty-free.
- No import quotas, export licenses or tariff rate quotas are applied. Export taxes for unprocessed logs are in place.
- Multiple efforts in services liberalization and facilitation. Foreign firms are entering the PNG market and offering new services to benefit the population.
- The investment system is very open for foreign investors. In many cases, 100 per cent of foreign-owned investments are allowed.
- More domestic standards have been incorporated in recent years.
- In terms of customs procedures and trade facilitation, PNG has completed the requirements for the accession to the Revised Kyoto Convention.
- The Alternative Dispute Resolution (ADR) scheme has been useful to handle certain commercial and civil disputes.

Summary of Topics

Tariffs

Approximately 75 per cent of all imports enter Papua New Guinea (PNG) duty-free now. Tariffs are high for goods which are or could be produced in PNG. The previous 2012 Bogor Goals Progress Report mentioned that PNG had embarked into a tariff reduction program in 2011 and tariffs were going to be reduced by 5 percent up to 2018. The first cut took place on 1 January 2012. The next cuts have been announced for 1 January 2015 and 1 January 2018.

However, on 1 January 2013, two tariff lines concerning chicken and plywood had their tariffs increased due to concerns raised by domestic industries.

Tariffs have been reduced in line of WTO commitments and RTA/FTAs such as the Melanesian Spearhead Group Trade Agreement.

Non-Tariff Measures

PNG maintains few non-tariff measures. No import quotas, export licenses or tariff rate quotas are applied. An export tax to unprocessed logs remains in place as a means to encourage downstream processing. PNG is currently undertaking a major review of its tax system. The review is including areas such as corporate tax, mining and hydrocarbon tax excise and value-added tax, among others.

Services

The services sector is still relatively small in PNG, in comparison to primary sectors. However, PNG has been implementing initiatives to reduce barriers in this sector. For example, in the

* This brief report was prepared with information from Papua New Guinea's submission of 2014 APEC Individual Action Plan (IAP) template; the World Bank's Doing Business database; and information from the PNG Customs, the Investment Promotion Authority and the Central Supply and Tenders Board websites.

telecommunications sector, PNG Telikom announced a 68 per cent reduction in the internet wholesale price to internet services providers. Also, in April 2013, PNG welcomed the entry of Vodafone, a second mobile phone operator into its market.

Regarding financial services, banks have been introducing mobile banking services to facilitate fund transfers, third party transfers and payments of bills.

In the health sector, the National Executive Council endorsed the Health Workforce Development Plan, which states that overseas workers that can be recruited in cases of domestic unavailability.

Investment

In general, PNG maintains a very open foreign investment regime and has established a comprehensive framework to attract investors. It is possible to have 100 per cent of foreign owned investments in most cases. However, many challenges remain to attract foreign investment, in particular related to the availability of proper infrastructure and the cost and time to enforce contracts.

There are few areas restricted to citizens or domestic companies, such as the cases of certain agriculture, forestry, fishing, mining and handcraft activities.

In terms of investment facilitation, the Online Lodgment Project to streamline business registration and foreign certification lodgments is being implemented.

Standards & Conformance

PNG Standards are developed by technical committees comprised by representatives of the business sector and public servants from government departments and regulatory bodies. To date, the Technical Standards Division has facilitated the development, adoption and implementation of nearly 900 PNG Standards. Many PNG Standards are adopted from the International Standardization Organization, the International Electrotechnical Commission and the Codex Alimentarius, among others.

Customs Procedures

PNG has been implementing measures in customs areas to facilitate trade and protect its borders. PNG Customs Service continues with the implementation of a Risk Management Policy. The work on the general annex of the Kyoto Convention has been completed and PNG accession to this convention is pending the completion of diplomatic protocols.

In January 2013, the Customs Service Plan 2013-2017 was launched. Among the main priorities are to improving channels of decision making and communication; extending the use of risk management techniques and advance technology for border control and operational efficiency; and modernizing legislative and instructional compendiums for training and standard operating procedures for customs officers.

Intellectual Property Rights

The Intellectual Property Office of PNG (IPOPNG) is seeking to put in place protection and enforcement mechanisms to address IPR infringements. A bill on traditional knowledge and traditional cultural expressions has been drafted for review.

IPOPNG has been appointed as the Regional Office for the registration of all trademarks for the Pacific Island Countries. IPOPNG is fully digitalized with enabling facilities for e-filing.

Competition Policy

The current legislation prohibits arrangements that lessen competition, misuse market power, and form anticompetitive mergers and acquisitions. However, PNG is reviewing the Independent Consumer and Competition (ICCC) Act 2002, since some deficiencies have been identified recently. For instance, the ICCC Act is not preventing businesses from engaging in deceptive practices or misleading conduct to gain or retain market share. Also, it is not preventing businesses to force customers to accept unfair terms of trading.

Government Procurement

The PNG government has recognized that this is a challenging area. The administrative capacity to run procurement processes, in particular, in provincial agencies, is weak. There are efforts being implemented by some agencies to fight corruption.

In order to streamline government procurement, there are plans to increase the threshold of procurements that need to go to the Central Supply and Tenders Board for review and approval by the National Executive Council from PGK 10 to 20 million.

Dispute Mediation

Since its introduction in 2010, the Alternative Dispute Resolution (ADR) scheme has been very useful in courts to handle certain commercial and civil disputes. The use of ADRs is now considered part of the regular court process. Over the last 5 years, the number of accredited mediators doubled.

Mobility of Business People

The Short-term Multiple Entry Permit is valid for 12 months with a stay of up to 60 days permitted in each arrival. There are also visa-on-arrival facilities that have helped to increase the influx of visitors to PNG.

RTA/FTAs

Papua New Guinea has two RTA/FTAs in force and one Trade and Commercial Relations Agreement²².

APEC Food System

The National Executive Council is working to increase food self-sufficiency. In this regard, it approved in October 2013 a project on a large scale, mechanized, irrigated production of rice in the Central Province. The private investor for this project will spend about USD 1.3 billion to cultivate 100,000 hectares of land and produce 500,000 ton of rice for domestic consumption and export. Also, PNG Livestock Industry Corporation is planning to set two abattoirs (Port Moresby and Lae) meeting Australian standards to allow meat products to be exported and sold to mining sites in PNG. Currently, no meat can be exported or sold to mining sites in PNG because existing abattoirs do not meet basic world food standards.

²² Papua New Guinea's RTA/FTAs in force are the following ones: Melanesian Spear Head Group Trade Agreement (1995), Pacific Island Countries Trade Agreement (2003). PNG also has a bilateral agreement with Australia – the *Papua New Guinea-Australia Trade and Commercial Relations Agreement*.

Peru

Peru's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Low average MFN tariff at HS 10-digit level, equivalent to 3.2 per cent.
- Very small gap between average MFN tariffs of agricultural and non-agricultural products.
- No quantitative import/export restrictions, import licensing and export subsidies are applied, but prohibition for certain used goods remain.
- Improvement in frameworks for data privacy and e-commerce.
- Progress in opening telecommunication markets and improving competition.
- No investment screening mechanisms. Some restrictions on foreign investments in broadcasting, air and water transport and ownership of natural resources in border areas.
- Increasing incorporation of Peruvian Technical Standards.
- Initiatives being implemented to strengthen the intellectual property rights legal framework.

Summary of Topics

Tariffs

Peru's tariff structure is comprised of three levels: 0, 6 and 11 per cent. The current MFN simple average tariff reported by Peru in 2013 was equivalent to 3.2 per cent (at the HS 10-digit level). The average MFN tariffs in agricultural and non-agricultural products were equal to 3.9 and 3.1 per cent, a small gap in comparison to other economies.

55.9 of the tariff lines have zero tariff rate and explain 73.3 per cent of total imports. Only 10.5 per cent of the tariff lines are subject to the 11 per cent tariff rate.

Non-Tariff Measures

No import licensing, quantitative import restrictions, export subsidies are applied. 94.6 per cent of the imported tariff lines are subject to a value-added tax (Impuesto General a las Ventas IGV) equivalent to 16 per cent. An excise tax (Impuesto Selectivo al Consumo ISC) to fuels, spirits, macerated beverages, tobacco, beer, cigarettes and vehicles is applied as well.

Restrictions remain regarding the importation of used road motor vehicles for cargo and passenger transportation, used engines, components and spare parts for road vehicles, used tires, used clothing and footwear for commercial purposes and used goods, machinery and equipment using radioactive sources.

Peru applies a price band system to 47 HS 10-digit tariff lines concerning sugar, maize, rice and dairy products.

* This brief report was prepared with information from Peru's submission of 2014 APEC Individual Action Plan (IAP) template; the WTO TBT Information System; and the 2014 WTO Trade Policy Review – Report by the Secretariat – Peru.

Services

The regulation for the Personal Data Protection Law was enacted in 2013 in order to implement the framework ruling cross-border flows of personal information. To promote e-commerce, regulation for the Rules on Access by Electronic Money Issuers to Telecommunications Services was also issued in 2013.

Progress in telecommunications has been reported. Regarding fixed telephone services, number portability is planned to be implemented for landlines in 2014. In terms of international roaming, Peru signed in 2012 agreements with Ecuador and Brazil to promote measures and have an efficient market for international roaming in border areas. In the mobile telephone sub-sector, new laws to strengthen competition were adopted in September 2013 by allowing new mobile operators through Mobile Virtual Network Operators.

For internet services, a public bidding to build the National Fiber Optic Backbone was conducted in December 2013.

Investment

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

Four FTAs containing specific chapters on investment were implemented and three treaties to avoid double taxation were signed between 2012 and 2013.

Standards and Conformance

In the first half of 2014, the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) approved 77 Peruvian Technical Standards. 45 per cent of them (35 Peruvian Technical Standards) concerned the adoption of international standards. By the end of June 2014, INDECOPI had approved 4,375 of them. Public discussions with stakeholders are always put in place, as part of the process to formulate and incorporate any new Peruvian Technical Standard.

Peru is participating actively in the International Organization for Standardization, the International Electrotechnical Commission and the FAO/WHO Codex Alimentarius Commission.

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

Customs Procedures

According to the Peru's New Customs Legislation, customs declarations have to be made electronically. Cargo manifest data needs to be sent by electronic means prior to the cargo arrival.

Currently, the Single Window for Foreign Trade includes three main components: 1) the Restricted Goods component, which has been operating since July 2010, allows to manage 219

administrative procedures from 11 agencies and has been able to serve more than 24,000 administered individuals; 2) the Origin Component, which allows the management of the affidavits of origin and the emission of certificates of origin for transactions seeking to obtain preferences under more than 20 trade agreements; and 3) the Port component, which helps managing the arrival and stay of ships.

Intellectual Property Rights

INDECOPI's Deputy Directorate of Invention Support (SSI) was created in 2012 with the objective to promote the culture of patenting in Peru. Initiatives implemented by SSI such as the "Accelerated Patent Program", the "Improved Peruvian Invention Contest", and the "Identification of Patentable Matter in Universities' Project" contributed to increase the number of domestic patent applications. By comparing the periods 2006-2011 and 2012-2013, their annual average went up by 75% from 105 to 183, and those patents applied by local domestic universities increased from an annual average of 3.5 to 25.5²³.

The Directorate of Inventions and New Technologies is promoting the Registration of the Collective Knowledge of Indigenous People by providing facilities, with the support of strategic partners, in places where the indigenous communities are based, in order to preserve and safeguard their knowledge and rights therein. This work is contributing to increase the number of records filed by indigenous people in recent years. During the period 2010-2011, 802 records were made; while in 2012-2013, 1,248 records were made, an increase of 55.6 percent.

Peru also ratified the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

The Trademark Office is developing a plan for the promotion and registration of collective marks along Peru's different regions. Some protected collective marks include products such as potatoes, honey and cotton. Systems for electronic trademark filing and registration of copyrights applications have also been implemented by INDECOPI.

Peru became a signatory of the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. Peru is currently working on the ratification of both treaties.

The Copyright Office has reported an improved operational efficiency, with the increase of the number of enforcement actions, such as inspections and complaints of copyright infringements. The operating plan designed by the Copyright Office has planned, for the year 2014, the realization of 100 *ex-officio* inspections at national level through the different INDECOPI regional offices.

Competition Policy

Inquiries against anticompetitive practices took place in 2012 and 2013. Those involved sanctions against a dominant dairy producer/distributor for attempting to harm a competitor in the distribution market by unreasonably changing contractual conditions; fines against a cement company and its main distributor for concerting to obstruct the entrance of a new competitor; and fines against cartels of medical oxygen producers and freight companies.

²³ As a result of these initiatives, the Peruvian invention coefficient (number of domestic patent applications per 100,000 inhabitants) went up from an annual average rate of 0.35 between 2006 and 2011 to an annual average rate of 0.61 between 2012 and 2013.

In August 2013, guidelines on confidentiality were approved, which facilitate citizens' applications for confidentiality on the information they provide to the competition authority in the investigations and bring transparency about the criteria for the evaluation of those applications.

In 2012, INDECOPI signed Inter-Institutional Cooperation Agreements with competition authorities from Ecuador, Brazil and the Dominican Republic aimed at enhancing enforcement of their respective competition policies by strengthening cooperation, coordination and information exchange activities. In 2013, OSIPTEL, also, signed a Cooperation Agreement with the United States' Federal Communications Commission aimed at carrying out training programs and exchanging information and experiences in regulatory, technical and managerial fields.

Implementation of WTO Obligations

The fourth review of Peru's trade policies and practices took place in 2013, where WTO Members appreciated Peru's commitment and active participation in the multilateral trading system and the Doha Development Agenda.

Mobility of Business People

A migratory category called Business ABTC was created to incorporate the APEC Business Travel Card System into the Peruvian Immigration System. ABTC applications sent by all participating economies are approved on a daily basis by the ABTC Office.

In 2013, a working group comprised by many government agencies was established to prepare a proposal for a new immigration law.

As part of the Pacific Alliance, Chile, Colombia, Mexico and Peru agreed to exempt their nationals from getting a short-term visa. Passport holders of Pacific Alliance members can perform business activities in Peru for a period up to 183 days without getting a business visa.

RTA/FTAs

Peru has reported 17 RTA/FTAs in force²⁴, four RTA/FTA negotiations in place²⁵, including the Trans-Pacific Partnership Agreement, and two RTA/FTA signed, but still under the ratification process.²⁶

²⁴ Peru's RTA/FTAs in force are the following ones: Andean Community (1988), Peru–Cuba, Peru–MERCUSUR (2006), Peru–United States (2009), Peru–Chile (2009), Peru–Singapore (2009), Peru–China (2009), Peru–Canada (2009), Peru–Mexico (2012), Peru–Thailand (2011), Peru–EFTA (2011), Peru–Korea (2011), Peru–EU (2013), Peru–Costa Rica (2013), Peru–Panama (2012), Peru–Japan (2012), Peru–Venezuela (2013).

²⁵ Peru's RTA/FTAs under negotiation are the following ones: Peru-Turkey, Peru-Honduras, Peru-El Salvador and Trans-Pacific Partnership Agreement.

²⁶ Peru's RTA/FTAs signed, but still under ratification process, are the following ones: Peru-Guatemala and Alianza del Pacifico (Pacific Alliance).

The Philippines

The Philippines's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- 57.5 per cent of the tariff lines are charged with MFN tariffs equivalent to five per cent or less. However, MFN tariff peaks between 30 to 65 per cent remain for sensitive agricultural products.
- Quotas applied for the import of certain agricultural products under the Minimum Access Volume system.
- Reforms continue in the financial sector. More flexible rules for participation of foreign investors in rural banks.
- Approval of 2013 Investment Priorities Plan. Several preferred sectors included.
- The Foreign Investment Negative List includes activities in 11 sectors where no foreign equity is allowed. Many other sectors have restrictions in the percentage of foreign equity allowed.
- The Philippines reported a high level of domestic standards aligned with international standards (79.2 per cent) in its 2014 Individual Action Plan update.
- Good efforts to strengthen the intellectual property system via amendments or new regulations, and enforcement.
- Efforts to increase transparency in government procurement.
- Flexible visa system and a new online application system in securing the Alien Employment Permit.

Summary of Topics

Tariffs

The Philippines continues reducing tariffs applied to FTA partners as stated in the FTA's tariff liberalization schedules. Currently, the Philippines offer duty free access to more than 90 per cent of the tariff lines being imported from parties in four out of the seven in-force FTAs.

The MFN tariff structure in the Philippines for the period 2014-2015 shows that five per cent of the tariff lines are duty free and 52.5 per cent are charged with MFN tariff rates between one to five per cent. Products that are not produced locally or those used as inputs for manufacturing products free or charged with low tariffs.

36.1 per cent of them, mostly comprised by semi-processed locally manufactured products, face MFN tariff rates between 7 to 15 per cent. 4.3 per cent of the tariff lines such as those for cars and auto parts and chemical wastes, are charged with MFN tariff rates between 20 and 30 per cent. High tariffs ranging from 30 to 65 per cent are used for sensitive agricultural products (2.1 per cent of the tariff lines).

Non-Tariff Measures

A type of tariff-rate quota is applied to certain agricultural products, through the Minimum Access Volume (MAV) system. This system allows to import products within a quota, such as

* This brief report was prepared with information from the Philippines' submission of 2014 APEC Individual Action Plan (IAP) template; and the Philippine Tariff Commission, Department of Agriculture, Board of Investments, Securities and Exchange Commission, and Customs websites.

rice, corn and pork, among others, at a lower tariff than those products out of the quota. There have been no changes in the implementation of the MAV system in recent years. The automated application for the MAV license and the MAV Import Certificate have been in operation since 2012.

Services

In the financial sector, amendments to regulations on foreign exchange transactions were implemented in 2013 to facilitate access to foreign exchange resources to cover financial transactions. Non-residents have more options to fund their onshore peso requirements, and reconvert onshore pesos to foreign currency without prior Central Bank approval under certain circumstances. Also, foreigners can now acquire up to 60 per cent of the voting stock of rural banks and they can become members of the Board of Directors of a rural bank to the extent of the foreign participation in the bank's equity.

In the air transport sector, enhanced air services agreements, particularly in the ASEAN region, are providing better connectivity. Capacity entitlements on passenger and cargo has increased.

Investment

The 2013 Investment Priorities Plan was approved. The Plan includes a list of preferred sectors such as agriculture/agribusiness and fishery, creative industries, shipbuilding, mass housing, iron and steel, energy, infrastructure, research and development, green projects, motor vehicles, hospital/medical services, and disaster prevention, mitigation and recovery projects, among others.

The Foreign Investment Negative List (FINL) includes the sectors where foreign investors are not allowed or limited as dictated by the Constitution or specific laws (List A), as well as sectors in which foreign investments are limited for security, defense, risk to health and morals, and protection to SMEs (List B). List A includes 11 sectors where no foreign investments are allowed and 18 sectors with a restricted percentage of foreign equity. List B includes seven sectors with restrictions on the percentage of foreign equity. There are proposals being considered, without the need for changes in the constitution, to make the FINL less negative in order to increase investments and generate more employment.

Standards and Conformance

A total of 8,469 Philippine National Standards have been developed so far. 79.2 per cent of them are aligned with relevant international standards. Between November 2011 and November 2013, the Philippines aligned 782 domestic standards with international standards.

The Philippines is a member of International Accreditation Forum (IAF), International Laboratory Accreditation Cooperation (ILAC), Pacific Accreditation Cooperation (PAC) and Asia Pacific Laboratory Accreditation Cooperation (APLAC). It is also a signatory member of the Multilateral Recognition Arrangement (MLA) for Quality Management System (QMS) and Environment Management System (EMS) of PAC and Mutual Recognition Arrangement (MRAs) for testing and calibration of APLAC.

The Philippines also participates actively in the International Electrotechnical Commission (IEC), the International Organization for Standardization (ISO) and Codex Alimentarius Commission committees.

The Food and Drug Administration Philippines streamlined some requirements to facilitate the entry of imported goods.

Customs Procedures

The Philippines has been implementing measures to modernize customs procedures. The Enhanced Customs Trans-shipment System was implemented to combat illegal activities and monitor cargo. A GPS tracker is integrated into a security lock for ISO shipping containers, which will trigger an alarm as soon as the container door is opened.

Among the measures, the Philippine National Single Window continues to be implemented and currently includes 30 government agencies. An e-Payment module has been set to allow the payment of fees for license/permit applications through banks. In December 2013, the rules and regulations for the Authorized Economic Operator (AEO) Program were established.

Intellectual Property Rights

In recent years, the Philippines has implemented measures to strengthen the IPR system, such as the amendments of the Implementing Rules and Regulations on Patents, Utility Model, and Industrial Design; and the implementation of the Trademark Applications with Priority Right Claim, to facilitate the registration of trademark applications in certain circumstances.

The Philippines also signed some international IP treaties, such as the Patent Prosecution Highway, the Madrid Protocol (international registration of marks), the Beijing Treaty (protection of audiovisual performances) and the Marrakesh Treaty (to facilitate access of published works to people with disabilities).

Inter-agency cooperation is vital to enforce the IPR regulations. In this sense, the competent IP authorities are collaborating in border control, investigation and prosecution of money laundering cases, protection of IP of indigenous people, enhancement of capacity-building among government officials, and awareness campaigns.

Efforts on enforcement resulted into the delisting of the Philippines in December 2012 from the Notorious Markets in cases of piracy and counterfeit products determined by the Office of the United States Trade Representative (USTR).

Competition Policy

On 1 March 2013, the guidelines governing the implementation of the Executive Order that designated the Department of Justice as the competition authority were put in force. A Sector Regulations Council has been established in recognition to the role by sector regulators in developing comprehensive competition policy and law.

Government Procurement

To improve procurement processes, the Agency Procurement Performance Indicators was implemented as a self-assessment tool for procuring entities to identify their strengths and weaknesses. In addition, to improve transparency, Guidelines on E-Bidding were enacted and the E-bidding system was implemented as a pilot in two government agencies.

Deregulation/Regulatory Review

In the transport sector, reforms to separate the regulatory and operational functions, and eliminate overlaps between transportation and other agencies are ongoing.

Mobility of Business People

The Philippines has implemented an online application system in securing the Alien Employment Permit. In terms of visas, visa-free entry has been extended from 21 to 30 days to passport holders of 151 economies. The long-stay visitor visa has been extended from six months to the expiration of the authorized stay in order to decrease the application of visa extensions.

A trusted traveler program has been institutionalized for frequent international travelers in the processing of clearance by providing dedicated counters in international airports.

Transparency

Public hearings are conducted in the formulation of policies.

RTA/FTAs

The Philippines has reported seven RTA/FTAs in force²⁷ and it is participating in the negotiations of the Regional Comprehensive Economic Partnership.

²⁷ The Philippines's RTA/FTAs in force are the following ones: ASEAN (1992), ASEAN-China (2005), ASEAN-Korea (2007), Philippines-Japan (2008), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), and ASEAN-India (2010).

Russia

Russia's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Russia became a full WTO member in August 2012.
- Tariffs were reduced for many commodities as part of Russia's accession to WTO.
- Russia became part of the WTO Information Technology Agreement in September 2013.
- Import licenses are required for some products. Tariff-rate quotas are applicable to some agricultural products.
- Reforms in regulations concerning services sectors. The number of services sectors in which Russia made GATS commitments is high.
- Efforts to reduce administrative barriers and improve investment climate. Foreign investors face restrictions in some areas.
- Implementation of new regulations in standards and conformance, intellectual property rights and government procurement.
- Some concerns about technical regulations that may be affecting trade.
- Russia became a full participating member of the APEC Business Travel Card in 2013.

Summary of Topics

Tariffs

Russia, Belarus and Kazakhstan are part of a Customs Union. A new version of the Common Customs Tariff was approved in July 2012, in order to adjust the import duties of the Customs Union with Russia's commitments in WTO as part of its accession to WTO. This involved a reduction of import duties on 5,100 commodity items. For many agricultural and industrial products, MFN tariffs were already lower than the bound tariffs. However, some tariffs were raised to levels allowed by the Russia's commitments in WTO.

In addition, Russia also became part of the WTO Information Technology Agreement on 16 September 2013, to eliminate tariffs in certain information technology products.

Non-Tariff Measures

Import licensing on alcohol and ethanol were abolished in August 2012. Import licenses are required for some products such as pharmaceuticals and goods with encryption technology, among others. Some agricultural products, for example: meat and milk products, are subject to licenses and tariff-rate quotas.

Services

Domestic legislation in Russia was brought in conformance with WTO commitments under GATS. Market access has been improved. In fact, the number of services sector with GATS commitments (122) is high in comparison to other WTO members.

* This brief report was prepared with information from Russia's submission of 2014 APEC Individual Action Plan (IAP) template; the WTO World Trade Profiles 2013; the Report of the Working Party on the Accession of the Russian Federation to WTO; and information from the Federal Antimonopoly Service of the Russian Federation website.

Investment

Russia is implementing measures to eliminate excessive administrative barriers, as part of the strategy to attract more investment. In this regard, roadmaps to reduce these barriers have been developed in the period 2012-2013 in the following areas: construction, customs administration, access to power networks, property registration, company registration, competition development, export assistance, SME access to government procurement and quality improvement in business environment regulations. At present, the government has implemented 45 per cent of the proposed measures and another 15 per cent of the planned measures have been approved.

Foreign investment in some sectors/activities are restricted and require previous approval. These are the cases of sectors considered of strategic importance for defense and security matters. 42 sectors/activities were listed, including television and radio broadcasting, fixed telephone communications, aviation equipment and printing activities, among others.

Standards and Conformance

Russia continued the implementation of domestic policies including amendments to the Federal Law on technical regulations, changes to the conformity assessment of new products, and new rules concerning the registration of declaration of conformity, among others. The amendments to the Federal Law on technical regulations were issued on 27 December 2012 and aim to improve standardization at the national and regional levels, simplify standardization procedures, and have a more active involvement of companies in the standardization process.

Russia is participating in cooperation activities with the EuroAsian Interstate Council for Standardization, Metrology and Certification, and the Customs Union with Belarus and Kazakhstan. At the Customs Union, there is an agreement to harmonize domestic legislations in the area of technical regulations, develop technical regulations at the Customs Union level, implement common rules for conformity assessment, and use of international standards as basis for elaboration of technical regulations.

By the end of 2013, four specific trade concerns raised against Russia at the WTO SPS Committee had not reported a resolution. The most recent unresolved concerns raised in 2013 involved the non-recognition of testing laboratories for meat products and import restrictions on confectionary products. Similarly, four specific trade concerns against Russia raised at the WTO TBT Committee had not reported a resolution. Eight of them appeared during the period 2011-2013 and involved technical regulations and standards covering alcoholic drinks, light industry products and confectionary products.

Customs Procedures

Russia has been implementing measures to reduce administrative bottlenecks at customs and facilitate trade. During the period 2012-2013, Russia reported the elimination of documents to be submitted (e.g. transaction certificates for exports) and the development of a system to declare goods by electronic means. Currently, 28 customs posts have implemented this system.

In addition, the information system for customs authorities was modernized. Now, it is possible to obtain information faster and easier from other governmental bodies.

Intellectual Property Rights

Amendments on the regulations concerning patents, utility models and industrial designs, trademarks, service marks, appellation of origin and others, were in force on the date of

Russia's accession to WTO. Some amendments to the Civil Code have been introduced for consideration at the State Duma in order to make more effective the enforcement of IPR.

Competition Policy

Russia approved in December 2012 the road map on “Developing Competition and Improving the Antimonopoly Policy”. The intention of the government is to develop competition in particular sectors. In this sense, some of the initiatives are related to the SME, tourism and education sectors.

Government Procurement

A new federal law on public procurement was adopted by the State Duma and entered into force on 1 January 2014. The new law establishes the mandates for public institutions in procurement processes, and establishes new rules and procedures.

Deregulation/Regulatory Review

As part of the efforts to modernize the public governance system, Russia has been working in the implementation of guidelines and normative support that help improving the use of Regulatory Impact Assessments (RIA) to analyze proposals for new regulations and amendments, or the impact of existing regulation. The intention is to improve the culture of policymaking and have regulation that helps improve the business climate.

Implementation of WTO Obligations

In August 2012, Russia became a full WTO member and undertook all WTO commitments included in the multilateral WTO agreements. Russia is currently an observer of the WTO Government Procurement Agreement.

Mobility of Business People

In 2013, Russia became a full participating member of the APEC Business Travel Card (ABTC) scheme. Now, Russia is issuing ABTC to Russian citizens meeting the requirements and accepting the application of foreign ABTC card holders for visa pre-clearance.

Visa-facilitation agreements with the United States and Japan entered into force in September 2012 and October 2013, respectively.

Transparency

An official website for state and municipal property auctions has been created.

RTA/FTAs

Russia participates in one Customs Union²⁸ and eight RTA/FTAs²⁹. Russia, as part of the Customs Union with Belarus and Kazakhstan, has reported its participation in three RTA/FTA negotiations.

²⁸ The Eurasian Economic Community Customs Union (1997).

²⁹ Russia's RTA/FTAs in force are the following ones: Russia-Armenia (1993), Russia-Kyrgyz Republic (1993), Russia-Georgia (1994), Commonwealth of Independent States (1994), Russia-Ukraine (1994), Russia-Serbia (2000), Russia-Belarus-Kazakhstan-Ukraine (2004), and New Commonwealth of Independent States (2012).

Singapore

Singapore's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Almost all products can be imported tariff-free to Singapore.
- No export subsidies and no changes in import prohibitions and licensing in recent years.
- Import prohibitions or restrictions are applied for protection of public health, security, environmental matters or due to international commitments. Licenses are required for some products.
- Reforms to improve services regulatory frameworks in financial and legal sectors.
- Very open investment-friendly regime. Easiest place to do business according to World Bank's Doing Business reports for eight consecutive years.
- Few sectors keep restrictions on foreign investment.
- Domestic standards are aligned to international standards.
- Constant improvement in customs procedures with intensive use of IT applications and other measures.
- Very open government procurement system. Efficient online system and the GeBIZ Mall transaction fee has been eliminated.
- Comprehensive RTA/FTA network which continues expanding.

Summary of Topics

Tariffs

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

Non-Tariff Measures

Import prohibitions and other import restrictions are applied for protection of public health, public security or environment or to meet Singapore's international obligations. There is no change in import prohibitions and import licensing in recent years. Some of the import prohibitions are related to motor vehicles more than three years old and chewing gum for non-therapeutic purposes. Licenses are required to import some products (e.g. rice). Singapore does not maintain any subsidy schemes related to export performance requirements.

Services

Singapore maintains an open and transparent services regulatory regime, although there is still room for improvement. Measures have been implemented in recent years in some services to improve the regulatory framework. For example, in financial services, Singapore revised its risk-based capital framework to implement Basel III capital framework including raising the quantity and quality of capital and enhance risk coverage. Regulations on insurer's contingency reserves were also amended to align requirements with international practices. All Fund

* This brief report was prepared with information from Singapore's submission of 2014 APEC Individual Action Plan (IAP) template and the 2012 WTO Trade Policy Review – Report by the Secretariat – Singapore.

Management Companies must be registered or licensed and are subject to competency, business conduct and capital requirements.

In legal services, from 2012, foreign lawyers employed within a Singapore Law Practice (SLP) are allowed to take a higher equity share and profits of a Singapore Law Practice of up to one-third; beyond the 25 per cent permitted under the previous framework. Similarly, the Formal Law Alliance and Joint Law Venture frameworks have now been enhanced to enable the collaborating SLP and foreign law practice to take equity share and profits of the SLP, at both individual and entity levels, up to the one-third cap. The Qualifying Foreign Law Practice (QFLP) scheme was introduced in 2008, to allow Foreign Law Practices awarded a QFLP licence to practise in permitted areas of Singapore law³⁰. As of 24 April 2014, there are 10 QFLPs in Singapore.

Investment

Singapore maintains an investment-friendly regime. According to the World Bank's Doing Business reports, Singapore remains the easiest place to do business for the eight consecutive year. Very few sectors are restricted to foreign investors (e.g. broadcasting services). 42 Bilateral Investment Treaties are in force, two of them were implemented in the period 2012-2013. Moreover, Singapore has put in force 14 RTA/FTAs with investment chapters. Two of the RTA/FTAs investment commitments entered into force between 2012 and 2013.

Standards and Conformance

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

Singapore continues to participate actively in both international and regional standardization forums, promoting Mutual Recognition Agreements (MRAs) among regulators and also cooperation among National Standards Bodies.

Customs Procedures

Singapore continues giving high priority to initiatives aiming to facilitate and secure trade through more efficient and faster customs procedures. In this sense, the intensive use of information technology and automation is a common feature that allows companies to generate substantial savings in resources. The TradeXchange eCO Preparation Services was launched in July 2013 and allows shippers or authorized agents to re-use data from Customs' approved permits to apply for non-preferential Certificates of Origin electronically.

Among other measures, the Declaring Agent Governance Framework entered into force on 1 July 2013 with the intention of having a more efficient risk profiling of the declaring agent and proceed with a more expedite clearance of legitimate trade goods. The Advance Export Declaration, which requires all declarations to be submitted before the goods are exported, was put in force on 1 April 2013.

³⁰ "Permitted areas of Singapore Law" are mainly commercial areas of law, and exclude domestic areas of legal practice such as (a) constitutional and administrative law, (b) conveyancing, (c) criminal law, (d) family law, (e) succession law, including wills, intestate succession and probate and administration, and (f) conduct of litigation.

Intellectual Property Rights

Singapore unveiled an IP Hub Masterplan in April 2013 to establish Singapore as an IP hub in Asia for IP Transactions and Management, Quality IP Filings and IP Dispute Resolution.

Competition Policy

In July 2012, The Competition Commission of Singapore (CCS) published a revised set of guidelines on merger procedures, which, among others, includes information to enable parties to conduct a self-assessment before filing a merger notification, an option to seek confidential pre-notification advice from CCS, and information on stipulated turnover thresholds that CCS is unlikely to investigate a merger which involves small companies..

CCS is currently reviewing the competition legislation and guidelines to ensure they remain relevant and are in line with international best practices. Public consultations to gather feedback on the proposed changes will take place sometime in third quarter 2014.

Government Procurement

The government procurement system is very open. The government online procurement portal, GeBIZ, stopped charging the 0.8 per cent transaction fee (though the one-time subscription fee still applies) for using GeBIZ Mall (an online shopping mall where government agencies can browse and make orders). This helps small-scale suppliers to lower their costs of doing small-value direct transactions.

To allow suppliers with more time to prepare and respond quotations, the minimum opening period for quotations was increased from four to seven days.

Deregulation/Regulatory Reform

Singapore reported the completion of a comprehensive review of the Companies Act in October 2012, in order to ensure that Singapore keeps a competitive business environment. The Bill is targeted to be tabled in Parliament in the second half of 2014.

Mobility of Business People

The Immigration and Checkpoints Authority launched iCollect on 1 April 2013. iCollect is a self-service machine, which allows the collection of secure documents after the applicants' identities have been verified using biometric technology.

RTA/FTAs

Singapore has a comprehensive network of RTA/FTAs, with 20 agreements in force³¹. Since the last 2012 Bogor Goals Progress Report, Singapore has announced two more RTA/FTAs in force (with the Gulf Cooperation Council and Costa Rica) and has substantially concluded the negotiations of the FTA with the European Union. Singapore is currently participating in the negotiations of the Trans-Pacific Partnership Agreement and the Regional Comprehensive Economic Partnership.

³¹ Singapore's RTA/FTAs in force are the following ones: ASEAN (1992), Singapore-New Zealand (2001), Singapore-Japan (2002), Singapore-EFTA (2003), Singapore-Australia (2003), Singapore-United States (2004), Singapore-Jordan (2005), ASEAN-China (2005), Singapore-India (2005), Singapore-Korea (2006), P4 (2006), Singapore-Panama (2006), ASEAN-Korea (2007), Singapore-Peru (2009), Singapore-China (2009), Singapore-GCC (2013), ASEAN-Japan (2008), ASEAN-Australia-New Zealand (2010), ASEAN-India (2010), Singapore-Costa Rica (2013).

Chinese Taipei

Chinese Taipei's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- MFN tariff rates of 5 per cent or less are applied to 63 per cent of the tariff lines. 29 per cent of the tariff lines are duty-free.
- Tariff rate quotas are applied for some agricultural products. Import licenses, restrictions and prohibitions are still in force for certain products.
- Reforms are relaxing regulations in the services area, in particular in the financial sector.
- Restrictions on investment for overseas Chinese and foreigners remain in many sectors, but some of them were removed recently.
- Active role in improving customs procedures. The implementation of the CPT Single Window has reduced costs to the private sector by having access to a single platform to submit documents and obtain relevant information to export/import.
- Amendments in regulations to strengthen the intellectual property rights system.
- Continuous efforts to implement regulatory reforms. Improvement in Chinese Taipei performance in areas that are part of the World Bank's Logistics Performance Index and Doing Business.

Summary of Topics

Tariffs

Chinese Taipei reported an average MFN tariff rate of 5.9 per cent. 63 per cent of the tariff lines have MFN rates equivalent to 5 per cent or less. 29 per cent of the tariff lines are duty-free. However, tariff peaks above 30 per cent still remain. On average, agricultural products are facing higher tariffs than industrial products (13.9 per cent vs. 4.2 per cent).

Tariff-rate quotas are still applied to some agricultural products. This regime applies to red beans, liquid milk, peanuts, garlic, pineapple, mangoes, rice, pears and bananas, among other.

Chinese Taipei has reported applied tariff reductions based on the liberalization schedules agreed in the RTA/FTAs where it participates.

Non-Tariff Measures

Import licenses are required for 15 product items. Import prohibitions and restrictions are still applicable for some products. Also, at WTO, Chinese Taipei has reported duty and tax exemptions within designated zones. However, Chinese Taipei mentions that all these measures are compatible with WTO obligations.

Services

Chinese Taipei is undergoing reforms to relax regulations for market access. One of the initiatives is the Free Economic Pilot Zones, which plans to provide incentives to attract companies in the areas of smart logistics and international health care, among others.

* This brief report was prepared with information from Chinese Taipei's submission of 2014 APEC Individual Action Plan (IAP) template; Subsidies – New and Full Notification Pursuant to the Article XVI:1 of the GATT 1994 and Article 25 of the Agreement on Subsidies and Countervailing Measures – Chinese Taipei (17 July 2013); and information from the Ministry of Economic Affairs.

In the financial sector, Chinese Taipei is allowing foreign securities firms to participate in the domestic or international interbank foreign currency call market since 30 April 2013. Also, securities firms are now allowed to engage in offshore securities business and invest in venture capital management consulting firms. In the telecommunications sector, regulations for local operators representing foreign satellite communication services operators have been relaxed.

Investment

Chinese Taipei revised the Negative List for Investment by Overseas Chinese and Foreign Nationals on 17 June 2013. The review eliminated investment prohibitions in two activities and restrictions in 18 activities such as certain manufacturing of chemical products, fruits and flower production, land transportation (cargo), financial intermediation, legal and accounting services, architecture and engineering services, among others. Currently, foreign investment prohibitions remain in specific activities in 10 industries (e.g. radio and television broadcasting, public notary services) and restrictions to foreign investment remain in activities concerning 16 industries (e.g. rice production, electric power supply, airport ground services, cable television services).

Standards and Conformance

In 2013, Chinese Taipei established or revised 388 food sanitation standards related to residue limits on pesticide/crop combinations, veterinary drugs and food additives.

Chinese Taipei is continuing with its efforts to align domestic standards with international standards. In 2013, Chinese Taipei developed and revised 374 domestic standards following existing policies, as well as industrial innovation and development programs. As of the end of 2013, there were 14,651 domestic standards in existence.

By the end of 2013, five specific trade concerns raised against Chinese Taipei at the WTO SPS Committee had not reported a resolution. The most recent concern involves issues concerning the level of radionuclides for food products. Similarly, five specific trade concerns against Chinese Taipei raised at the WTO TBT Committee had not reported a resolution. Some of the concerns were related to organic products and green mark regulations.

Customs Procedures

Chinese Taipei has been making good progress in implementing measures and promoting programs to facilitate and secure trade. For example, the number of Authorized Economic Operators went up from 401 in 2011 to 603 in November 2013. In addition, the Customs-Port-Trade (CPT) Single Window became available since August 2013. It integrates systems from three Ministries and serves as an exchange and sharing information platform for the private and public sectors. The CPT Single Window also allows participating government agencies to verify documents through its information sharing mechanism.

Intellectual Property Rights

Among the actions to strengthen intellectual property rights, Chinese Taipei amended the Trade Secrets Act in February 2013, which adds provisions on criminal liability and higher penalties for attempts to use misappropriated trade secrets in foreign jurisdictions. The Patent Act was also amended in June 2013. The amendment introduces the continuation of rights system, which allows applicants to get their rights recognized under the utility model patent and the

innovation patent at the same time for the same creation, and obtain monetary compensation through punitive damages for cases of intentional infringement of the patent rights.

During 2012 and 2013, Chinese Taipei proceeded with the full implementation of the Patent Prosecution Highway (PPH) Program with the United States and the PPH Mottainai Pilot Program with Japan and Spain.

Competition Policy

The new Organic Act of the Fair Trade Commission entered into force in February 2012. The Act restructures the organization of the Fair Trade Commission and establishes that the nomination of the Commissioners is subject to approval by the Legislative, instead of being approved by the President.

Government Procurement

Chinese Taipei deposited its Instrument of Acceptance regarding the revised WTO Agreement on Government Procurement on 18 November 2013. Chinese Taipei also reported that its RTA/FTAs with New Zealand and Singapore include chapters covering this area.

Deregulation/Regulatory Review

As part of its strategy to gain competitiveness, Chinese Taipei implemented extensive reforms in several economic and financial areas. From May 2008 to November 2013, 866 deregulations were carried out.

The review of existing regulations identified to prioritize the need of reforms in the following areas: 1) attracting high-caliber foreign professionals; 2) improving the tax environment; 3) simplifying administrative procedures; 4) strengthening protection of IPR; and 6) easing restrictions on fund use and business scope of financial institutions.

Dispute Mediation

Chinese Taipei has reported that recent investment arrangements and partnership agreements with other APEC economies include mechanisms by which private parties can choose to submit their disputes. Some of the agreements include clauses on investment arbitration between investors and host governments and enforcement of arbitral awards. Others include comprehensive chapters on dispute settlement.

Mobility of Business People

Passport holders from 43 economies, including eight APEC economies, are visa exempted for maximum stays of 30 or 90 days. On 1 January 2012, Chinese Taipei launched the Automated Immigration Inspection System (E-Gate) for local residents for immigration clearance. The E-Gate uses facial images and fingerprints to verify travellers' identities. The E-Gate system was extended for foreign residents in Chinese Taipei on 3 September 2012.

RTA/FTAs

Among the new developments after the 2012 Bogor Goals Progress Report, Chinese Taipei reported that under the Cross-Strait Economic Cooperation Framework Agreement, an investment agreement entered into force on 1 February 2013 and a trade in services agreement was signed on 21 June 2013. In addition, Chinese Taipei has four agreements in force³², and

³² Chinese Taipei's RTA/FTAs in force are the following ones: Chinese Taipei–El Salvador–Honduras (2008), Chinese Taipei–Guatemala (2006), Chinese Taipei–Nicaragua (2007), and Chinese Taipei–Panama (2004).

reported two new economic cooperation agreements signed in 2013 with New Zealand and Singapore.

Supply Chain Connectivity

According to the World Bank's Logistics Performance Index 2012, Chinese Taipei moved up three places in customs clearance efficiency, two places for logistics services, and one place for infrastructure.

Chinese Taipei also reported efforts to enhance logistics services capabilities of Free Trade Zones by using information and communication technology. Chinese Taipei has also developed a new cold-chain transportation technology to facilitate the transportation of frozen goods. Over 30 companies have utilized this technology so far.

Ease of Doing Business (EoDB)

Chinese Taipei has been using the World Bank's Doing Business report as guidance to carry out reforms to improve the business environment. In particular, the main implemented reforms have targeted the areas of starting a business, dealing with construction permits, protecting investors and paying taxes. Overall performance advanced 30 positions between 2009 and - 2013.

Thailand

Thailand's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Tariffs were reduced or eliminated for 376 tariff lines since the HS 2012 nomenclature was adopted. However, high MFN tariffs remain for some industrial and agricultural products.
- Tariff rate quotas remain for a selected number of agricultural products.
- Neither import/export levies nor export subsidies are applied, but import prohibitions and licensing still remain for some cases.
- Improved commercial presence conditions for foreign companies in the securities and derivatives market.
- Foreign investors are welcomed to invest in most sectors. Some restrictions remain, in particular due to safety or security, arts, culture and traditions, natural resources and environmental matters.
- Efforts to align domestic standards to international standards to the extent possible.
- Physical inspections in customs have declined due to the implementation of risk management techniques and new technologies.
- Thailand is gradually implementing the Electronic Government Procurement System. Additional procurement methods are being added into the system.
- Implementation of Regulatory Impact Analysis for all proposals concerning new legislation.
- Most official information has to be made available to the public, unless it is considered confidential by the Government. Any denial to disclose information can be appealed before the Official Information Commission for reconsideration.

Summary of Topics

Tariffs

By the end of 2013, Thailand reported a simple average MFN tariff measured at the HS 8-digit level equal to 12.2 per cent. After the implementation of the HS 2012 nomenclature, Thailand mentioned that tariffs were reduced or eliminated for 376 tariff lines.

Around 67 per cent of non-agricultural tariff lines entered duty free by 2011. However, high MFN tariff rates above 60 per cent remain for some motor vehicles, tobacco and alcoholic beverages. Many apparel products and agricultural products have MFN tariffs around 30 to 50 per cent.

Thailand has reported reducing tariffs for the goods originating from Thailand's FTA signatory partners as agreed in the corresponding tariff liberalization schedules.

Non-Tariff Measures

Tariff rate quotas (TRQ) are applied and imposed for 23 agricultural products. Thailand reported that the application of these TRQ complies with WTO agreements.

* This brief report was prepared with information from the Thailand's submission of 2012 APEC Individual Action Plan (IAP) template; the WTO SPS and TBT Information Systems; WTO 2013 World Tariff Profiles; UNESCAP Single Window Planning and Implementation Guide (document ECE/TRADE/404); and information from the Department of Trade Negotiations website.

Thailand prohibits the import of electrical and mechanical operations devices for gambling. In general, import prohibition measures are only applied to protect public morals, national security, human, animal and plant life, public health and intellectual property; or to meet international commitments.

No import or export levies are applied, as well as export subsidies. As reported in the 2012 Bogor Goals Progress Report, discretionary import and export licensing is applied for some products on the grounds of public health and moral, financial security, conservation of domestic resources and treasuries, which are consistent with WTO. Import of fuel oils needs approval of the Department of Foreign Trade.

Services

Thailand has announced that foreign equity participation is now allowed in securities and derivatives businesses. Also, it was announced that up to five new banking licenses might be granted to foreign banks to establish subsidiaries in 2014. They will be allowed to have a maximum of 20 branches and 20 off-premises ATMs.

In the telecommunications sector, the 3G spectrum license was awarded to three mobile operators.

In general, commercial presence with foreign equity participation is allowed in almost all business sectors. Limitations on the amount of foreign equity participation are imposed on certain services sectors.

Investment

Foreign investors are welcomed to invest in most businesses in Thailand. In recent years, Thailand has been promoting foreign legal entities to own land for establishing offices and residences for investors and workers. However, certain restrictions exist on businesses, in particular for those related to safety or security, arts, culture and traditions, natural resources and environmental matters.

Thailand has reported 41 Investment Promotion and Protection Agreements signed so far, among which 37 already entered into force.

A new division called the Thai Overseas Investment Promotion has been set up to promote investment abroad. In this regard, the limit of USD 100 million for a Thai natural person to invest in an affiliated business abroad was removed.

Standards and Conformance

Since the 2012 Bogor Goals Progress Report, Thailand has aligned 12 its domestic industrial standards to international standards. Thailand is aiming to align its domestic standards to international standards as much as possible. Currently, 1,005 Thai standards are aligned to international standards.

In terms of agricultural products, 220 standards have been implemented. Almost all of them are aligned to international standards, such as the Codex, OIE (World Organization for Animal Health) and the IPPC (International Plant Protection Convention).

Thailand participates actively in international standardization activities, and is a signatory of the Pacific Accreditation Cooperation and the International Accreditation Forum Multilateral Recognition Arrangement, the Asia Pacific Laboratory Accreditation Cooperation and the International Laboratory Accreditation Cooperation Multilateral Recognition Arrangement (MRA), among others.

By the end of 2013, three specific trade concerns raised against Thailand at the WTO SPS Committee had not reported a resolution. The most recent concern dates back to 2011 and involves products such as table grapes, apples and pear. Similarly, eight specific trade concerns against Thailand raised at the WTO TBT Committee had not reported a resolution. Some of the most recent concerns raised in 2013 were related to ceramic tiles and pneumatic tires of rubber.

Customs Procedures

As parts of its efforts to expedite trade, the Thai Customs Department has put into operation the Phase II of the National Single Window (NSW) since 2012, which includes paperless trading options for traders to obtain permits, certificates and licenses, and track the status of the documents and movement of goods through this platform.

Thailand has reported that physical inspections of export and import cargo have declined recently due to the implementation of risk management techniques and the use of X-ray container machines. An “e-Express System” is being implemented for all express consignment shipments.

Government Procurement

The implementation of the Electronic Government Procurement System (e-GP) is taking place gradually. Phase 1, which was implemented in April 2010, covered three major procurement methods: price enquiry, competitive bidding and e-auction. Phase 2 started its implementation in October 2012 and cover the remaining procurement methods used by the Thai Government. Phase 3 covers two new electronic procurement methods: e-Bidding and e-Market. Thailand announced its intention to implement Phase 3 in selected government agencies from 2013.

Deregulation/Regulatory Review

Thailand has established a review process for all proposals concerning new legislation. Before submitting any draft to the Council of Ministers, government agencies need to conduct a Regulatory Impact Analysis (RIA), which includes the impact of the proposed regulation from the economic, social and environmental perspective.

Mobility of Business People

At present, it is possible for travelers to change their tourist visas to business visas at the Thai Immigration Office. For Non-Immigrant “B” (business) visa holders, it is not necessary anymore to report every 90 days at the Thai Immigration Office.

Thailand reported that 7,172 APEC Business Travel Cards (ABTCs) issued to Thai business travelers were active by December 2013. This represents a slight decrease in the number of Thai ABTC holders in comparison to August 2012 (7,327 ABTC holders).

Transparency

Most official information should be disclosed to the public, with some specific exemptions that the Government considers confidential. In the case any government agency denies the

disclosure of data, it is possible to appeal before the Official Information Commission for a reconsideration of the request for information.

RTA/FTAs

Thailand has implemented 13 RTA/FTAs³³. It is currently involved in nine separate negotiations towards new RTA/FTAs, including the Regional Comprehensive Economic Partnership, or the extension of the coverage of existing RTA/FTAs.

³³ Thailand's RTA/FTAs in force are following ones: ASEAN (1992), Thailand-Bahrain (2002), Thailand-India (2004), Thailand- BIMSTEC (2004), Thailand-Australia (2005), ASEAN-China (2005), Thailand-New Zealand (2005), ASEAN-Korea (2007), Thailand-Japan (2007), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), ASEAN-India (2010), and Thailand-Peru (2011).

The United States

The United States' Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Approximately 70 per cent of the imports for consumption entered the United States duty-free.
- Some MFN tariffs in the footwear, textile, clothing and agriculture are relatively high. Non ad-valorem tariffs are common in agricultural products.
- Tariff rate quotas are applied for some products. Import licenses are required for 15 product categories.
- No export taxes are applied. Export restrictions are adopted in some cases due to security issues, compliance with international agreements and shortages of scarce materials.
- The investment regime is considered free and open. Free movement of capital and profits. Some restrictions on foreign ownership remain.
- New laws on food safety focusing on preventing food safety problems.
- Implementation of customs-related initiatives to facilitate trade and strengthen security is expanding.
- Strong intellectual property rights system. Emphasis on law enforcement. Laws have been approved to increase the criminal penalties for infringements.
- The Buy American Act requires the Federal Government to purchase domestic goods. However, exceptions to this rule apply in many cases.
- Retrospective review of regulations. Removal of unnecessary burdens to save time and costs. Efforts have saved several billion dollars in regulatory costs.
- Expansion of Visa Waiver Program and the trusted traveler program, Global Entry.
- All proposed and final regulations are available online.

Summary of Topics

Tariffs

In 2013, 70 per cent of imports for consumption entered the United States duty-free. The United States' trade-weighted applied tariff average, including preferences and FTAs, was equal to 1.4 per cent.

Nevertheless, MFN tariff peaks remain in certain sectors, such as footwear, textile, clothing and agricultural products. Many agricultural products are subject to non-ad valorem tariffs.

Non-Tariff Measures

Tariff rate quotas are still applied to some products (e.g. raw cane sugar, tuna fish). The current laws and regulations allow the implementation of restrictions or prohibitions on imported products, which are used for health and security reasons, or protect the economy of the United States. Import licenses (automatic or non-automatic) are required for 15 product categories (e.g. animals and animal products, steel, tobacco).

* This brief report was prepared with information from the United States' submission of 2014 APEC Individual Action Plan (IAP) template; the 2013 WTO Trade Policy Review – Report by the Secretariat – United States; the WTO SPS and TBT Information Systems; and information from the White House, the Office of the United States Trade Representative, and the U.S. Food and Drug Administration websites.

No export taxes are applied. Export restrictions are adopted in some cases due to security issues, compliance with international agreements and addressing shortages of scarce materials. Export subsidies have been applied to some dairy products, in conformance with the WTO Agreement on Agriculture.

Investment

The investment regime in the United States allows for free movement of capital and profits. Minimum investment thresholds are not applied. However, foreign ownership is restricted in some sectors such as air transport, mining, energy, radio communications and banking, among others.

Standards and Conformance

In May 2012, the Executive Order on Promoting International Regulatory Co-Operation was signed. This Executive Order provides a framework for promoting efforts to eliminate unnecessary regulatory differences and related costs, burdens, and delays associated with domestic regulatory approaches.

In January 2011, the Food and Drug Administration (FDA) Food Safety Modernization Act entered into force. The new law enables FDA to focus more on preventing food safety problems rather than reacting after they occur.

By the end of 2013, 28 specific trade concerns raised against the United States at the WTO SPS Committee had not reported a resolution. The concerns raised in 2013 are related to proposed rules on good manufacturing practices for human food and the accreditation of third-party bodies to conduct food safety audits and issue certifications. Similarly, 44 specific trade concerns against the United States raised at the WTO TBT Committee had not reported a resolution. Some of the most recent concerns raised in 2013 were related to some chemical substances, an energy conservation program for consumer products, and a renewable fuel standards program.

Customs Procedures

The implementation of the International Trade Data System (ITDS), which allows to collect and share data among agencies, is ongoing. The Executive Order – Streamlining the Export/Import Process for America’s Business, was issued in February 2014 and establishes a deadline for the completion of the ITDS. Currently, 49 government agencies are participating in ITDS.

The Automated Commercial Environment (ACE), a single window for cargo shipments, reported 22,600 ACE portal accounts for trade users (including importers, brokers and carriers) by February 2014. The ACE assists the U.S. Customs and Border Protection to facilitate trade while strengthening border security.

The United States has reported efforts to promote trade resumption policies and practices that will provide for a coordinated restoration of the movement of goods, following a potential disruption, by developing and implementing domestic and global guidelines, standards, policies and programs.

Intellectual Property Rights

The United States has been implementing actions to improve law enforcement concerning IPR matters. In 2012, in order to mitigate the theft of trade secrets, the Theft of Trade Secrets

Clarification Act and the Foreign and Economic Espionage Enhancing Penalties Act were passed at the Congress. In addition, the Congress passed the National Defense Authorization Act, which increased criminal penalties for counterfeit goods and services sold to, or for use by, U.S. military forces. The Food and Drug Administration Safety and Innovation Act was also approved, which increased penalties for trafficking counterfeit drugs.

As part of the strategy to fight against infringements of IPR, the United States has been collaborating closely with authorities around the world by providing capacity-building to government officials, enhance awareness about IPR laws and regulations, and coordinating with foreign counterparts in investigations and the deployment of law enforcement operations. Efforts have also expanded to the cyber world. For instance, in June 2013, as part of an international effort, the U.S. authorities seized over 1,600 websites that were illegally selling counterfeit or misbranded drugs that alleged to be branded as pharmaceuticals.

Competition Policy

In 2013, the Federal Trade Commission issued the final changes to the premerger notification rules that require companies in the pharmaceutical sector to report certain proposed acquisitions of exclusive patent rights to the competition authorities for antitrust reviews.

In the same year, the Department of Justice and the FTC issued a joined model waiver of confidentiality for individuals and companies to use in merger and non-civil merger matters involving concurrent reviews by the competent authorities and non-U.S. competition authorities. The model waiver aims to streamline the waiver process, reducing the time involved in negotiating waivers. This mechanism also allows for the sharing of confidential information only among the competition agencies listed in the waiver.

Government Procurement

The United States has reported that the FTAs with Korea, Panama and Colombia, which entered into force in 2012, include chapters on government procurement.

The Buy American Act requires the Federal Government to purchase domestic goods. However, exceptions to this rule apply in many cases, such as 1) purchases above the thresholds set in FTAs and the WTO Government Procurement Agreement from the signing parties; 2) it is deemed inconsistent with public interest; 3) the cost is unreasonable; 4) the products are for use outside the United States; 5) the products are not produced or manufactured in the United States in sufficient quantities or satisfactory quality 6) the procurement is for less than USD 2,500.

Deregulation/Regulatory Reform

On 10 May 2012, an Executive Order was signed by President Obama, institutionalizing retrospective review in the United States. It emphasized that flexibility and the removal of unnecessary burdens are essential elements in the rulemaking process. Agencies have to report regularly on the process and their efforts have produced savings for more than USD 10 billion in regulatory costs.

Mobility of Business People

The United States reported that wait times and capacity for visa applicants have improved in recent years. In addition, Chinese Taipei was added to the Visa Waiver Program in 2012. Chile was added in 2014. Also, the United States is expanding its trusted traveler program, Global

Entry, which allows travelers to reduce time to go through immigration procedures in selected airports.

Transparency

All proposed and final regulations are available online to the public. The rulemaking system enables citizens to participate in the process to create, review and change rules.

RTA/FTAs

The United States reported that three new FTAs entered into force in 2012. 14 RTA/FTAs are currently in force³⁴. The United States is also participating in the negotiations of the Trans-Pacific Partnership Agreement and the Transatlantic Trade and Investment Partnership.

³⁴ The United States' RTA/FTAs in force are the following ones: United States-Israel (1985), NAFTA (1994), United States-Jordan (2001), United States-Singapore (2004), United States-Chile (2004), United States-Australia (2005), United States-Morocco (2006), United States-Dominican Republic-Central America (2009), United States-Bahrain (2006), United States-Oman (2009), United States-Peru (2009), United States-Colombia (2012), United States-Panama (2012), and United States-Korea (2012).

Viet Nam

Viet Nam's Bogor Goals Progress Report (as at 8 August 2014)*

Highlights of Achievements and Areas for Improvement

- Average MFN tariffs have declined substantially in recent years, but high MFN tariffs still remain for some agricultural and industrial products.
- Many non-tariff measures have been eliminated after Viet Nam's accession to WTO. Import prohibitions and licensing still are applicable for certain products. Same occurs for export duties.
- Tariff-rate quotas are applied to a limited number of products.
- Progress in services liberalization. Sectors such as telecommunications, postal and express delivery services have experience an increase in foreign competition.
- Restrictions or prohibitions remain in some sectors for foreign investors.
- Higher percentage of technical standards are aligned to international standards now in comparison to 2012.
- Introduction of electronic systems such as in customs procedures and government procurement.
- A new Bidding Law has been issued. It allows foreign contractors to participate, but only in international bid processes in association with local firms.

Summary of Topics

Tariffs

Since Viet Nam's accession to WTO, its average MFN tariffs have declined substantially from 18.5 per cent in 2007 to 10.4 per cent in 2013. About one-third of the tariff lines are duty-free. However, high MFN tariff rates remain for some goods. For example, among the agricultural products, tobacco, beverages and prepared food of vegetables or fruits are experiencing average MFN tariffs above 30 per cent. As for industrial products, transport equipment are facing average MFN tariffs above 20 per cent.

Viet Nam has been reducing tariffs through the implementation of liberalization schedules agreed in its RTAs/FTAs in force.

Non-Tariff Measures

Viet Nam applies import restrictions to a list of products for public health, safety and security reasons; or for compliance with international commitments. Import licenses are required for certain goods. The purpose of the licenses is to ensure minimum quality standards, local network compatibility, monetary security or cultural sensitivities.

The list of products subject to import licenses has been modified several times in recent years. Some steel products were added to the list of imports that required automatic import licenses in August 2012. Meat and fish products, apparel, footwear, sugar confectionary, cocoa and chocolate, among others, had the requirement of the automatic import license suspended in September 2012.

*This brief report was prepared with information from Viet Nam's submission of 2014 APEC Individual Action Plan (IAP) template; the 2014 WTO Trade Policy Review – Report by the Secretariat – Viet Nam; and information from the Ministry of Industry and Trade and the Ministry of Construction websites.

Tariff rate quotas are applicable for imports of eggs, sugar, unmanufactured tobacco and tobacco refuse, and salt.

Export duties are applied to some products such as metals, raw hides and skins and some wood products. On May 2013, export duties for briquette coal and pit-coal increased from 10 to 13 per cent.

Services

Services liberalization took a big push after Viet Nam's accession to WTO in 2007. Several measures in a number of sectors have increased completion in the domestic market. In the telecommunications sector, the government has gradually opened the mobile phone sector. As at 2012, six mobile phone operators had commercial presence in Viet Nam.

In the postal and express delivery services, by the end of 2012, there were 74 postal operators, eight of them were either foreign-invested enterprises or foreign postal enterprises hiring domestic companies as agents.

In the banking sector, fully owned foreign banks are given MFN and national treatment with regards to commercial presence. Foreign banks can receive deposits in Vietnamese Dong and can issue credit cards. However, restrictions remain in the number of branches that foreign banks can operate. In the insurance sector, there is a significant participation of foreign companies. Indeed, by the end of 2011, 10 non-life foreign-invested insurance companies were operating in Viet Nam. In the same way, 32 representative offices of foreign insurance companies were located there in 2012.

Restrictions remain in a number of sectors. For example, in the broadcasting sector, local content requirements apply, since the TV programs (with the exception of international news channels and live sports events) need to be translated into Vietnamese by a licensed local agent. In addition, all commercials running on foreign channels must be made in Viet Nam.

Investment

The Enterprise Law in Viet Nam stipulates in which sectors investments are prohibited and conditional. Foreign investors need to apply for an investment certificate, which can be used as a business registration certificate. All domestic and foreign investment projects above VND 300 billion and those in conditional sectors are subject to an investment evaluation.

Private ownership of land is not allowed, but land can be leased for an initial duration for up to 70 years. Leases can be extended upon expiry.

Standards and Conformance

From January 2012 to November 2013, Viet Nam published 1,312 technical standards. 80 per cent of them were developed taking into account the standards by the International Standardization Organization, the International Electrotechnical Commission, the Codex Alimentarius, among others. Viet Nam also published 104 technical regulations during that time.

Viet Nam is participating actively in international organizations for standards, metrology and quality.

By the end of 2013, one specific trade concern raised against Viet Nam at the WTO SPS Committee had not reported a resolution (i.e. ban on offals). Similarly, four specific trade concerns against Viet Nam raised at the WTO TBT Committee had not reported a resolution. Some of the most recent concerns raised in 2013 were related to the implementation of a food safety law and restrictions on liquor production and trading.

Customs Procedures

There has been an increasing use of e-customs procedures. Viet Nam reported that around 47,000 of the exporting and importing firms are using this system (95 per cent of these firms). In addition, the number of sub-departments that are participating is equivalent to 146 (86 per cent of the sub-departments). Around 4.2 million electronic customs declarations have been processed since the implementation of this system.

Intellectual Property Rights

Between 2012 and 2013, Viet Nam has issued a number of laws and regulations to strengthen its IPR regime such as the Decree 72/2013/ND-CP on managing, supplying and using internet services and website information; the Circular 07/2012/TTLT-BTTTT-BVHTTDL on protection of copyrights by regulating on responsibilities of businesses supplying intermediate services; and the Circular 16/2013/TT-BNNPTNT on the protection of plants variety.

From the administrative side, Viet Nam is working on the simplification of procedures to apply for industrial property rights. In addition, Viet Nam has been tightening punishments for infringements to IPR. The Law on Punishment of Administrative Violations on IPR was issued in June 2012.

Competition Policy

There have not been major changes in competition policy laws. However, with the support of international cooperation agencies, Viet Nam is reviewing its existing Competition Law. The intention is to assess the current provisions and identify problems with the implementation and enforcement of the law.

Government Procurement

The revised Bidding Law was issued in November 2013 and will enter into force on July 2014. This law allows foreigner firms to participate in international bids as long as they associate with a local company in tenders, unless no domestic contractor is capable to participate in the bidding package. A chapter on online procurement is also part of the new law. It seeks to simplify procedures and make the processes more transparent.

Deregulation/Regulatory Review

Efforts to promote deregulation continue. The general policy framework has been improved with more predictability and transparency.

Mobility of Business People

A draft Law on Immigration and Residence of Foreigners in Viet Nam has been submitted to the National Assembly for consideration.

RTA/FTAs

Viet Nam has reported eight FTA/RTAs in force³⁵ and five agreements under negotiation, including the Trans Pacific Partnership Agreement and the Regional Comprehensive Economic Partnership.

³⁵ Viet Nam's RTA/FTAs in force are the following ones: ASEAN (1992), ASEAN-China (2005), ASEAN-Korea (2007), Viet Nam- Japan (2009), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), ASEAN-India (2010), and Viet Nam-Chile (2012).