

Individual Action Plan Update for Brunei Darussalam for 2020

Highlights of recent policy developments which indicate how Brunei Darussalam is progressing towards the Bogor Goals and key challenges it faces in its efforts to meet the Goals.

IAP Chapter (and Sub-Chapter and Section Heading, if any)	Improvements made since 2018 IAP	Further Improvements Planned
Tariffs	<p>There are no changes to MFN Tariffs since 1st April 2017.</p> <p>Amendments to the customs import and excise duties effective 1st April 2017</p> <ul style="list-style-type: none"> - Reduction made on several items including industrial machineries and spare parts for heavy vehicles and heavy machineries. - Duty implemented on consumer products such as food and drinks with high sugar level content (an initiative by Ministry of Health in effort to realise the objective of 'Towards a Healthy Society') - Increase in excise duties on plastic products in support the efforts of Department of Environment, Parks and Recreation. 	<ul style="list-style-type: none"> - Currently in the process of reviewing the structure of Harmonized System (HS) Code for ASEAN Harmonized Tariff Nomenclature (AHTN) Version 2022. - Brunei Darussalam's legal enactment for the Tariff Reduction Schedule under the ASEAN-Hong Kong Free Trade Area is scheduled to be issued in 2020.
<i>Website for further information:</i>	www.bdns.gov.bn / www.tradingacrossbroders.gov.bn / www.bdntr.mofe.gov.bn	
<i>Contact point for further details:</i>	info@customs.gov.bn or bppa@customs.gov.bn	
Non-Tariff Measures <i>Non-tariff measures include but are not restricted to quantitative import/export restrictions/prohibitions, import/export levies, minimum import prices, discretionary import/export licensing, voluntary export restraints and export subsidies</i>	<ul style="list-style-type: none"> - No improvements made since the last IAP 2018 	<ul style="list-style-type: none"> - Currently working with ARISE (ASEAN Regional Integration Support by the European Union) and ERIA-UNCTAD (Economic Research Institute for ASEAN and East Asia - United Nations Conference on Trade and Development) to manage, streamline, and update non-tariff measures which will be uploaded into the Brunei Darussalam National Trade Repository.

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<i>Website for further information:</i>	www.bdntr.mofe.gov.bn	
<i>Contact point for further details:</i>	Trade Division Ministry of Finance and Economy Brunei Darussalam E-mail: tradedept@mofe.gov.bn	
Services	<ul style="list-style-type: none"> - Brunei Darussalam has undertaken further liberalisation of its services sector under the 10th ASEAN Framework Agreement on Services (AFAS) package, which allowed ASEAN investors to own up to 70% equity in selected sectors, among others. 	As a member of ASEAN, Brunei Darussalam is working to ratify the ASEAN Trade in Services Agreement which was signed in 2018 that will deepen the integration of the services sectors, and create a more liberal, stable and predictable environment for service suppliers in the ASEAN region.
<i>Website for further information:</i>		
<i>Contact point for further details:</i>	Trade Division Ministry of Finance and Economy Brunei Darussalam E-mail: tradedept@mofe.gov.bn	
Investment	<p>i. Companies Act (Amendment) Order, 2019 Companies (Composition Of Offences) Rules, 2019 Companies (Corporate Governance) (Public Companies) (Amendment) Rules, 2019</p> <p>Aimed to further strengthen the Companies Act (Chapter 39) in Brunei Darussalam with effect from 1st October 2019. The amendments are introduced to further strengthen the Companies Act (Chapter 39) in relation to compliance and corporate governance of a company with the legal requirements under the Act.</p> <p>ii. Insolvency (Winding Up) Rules, 2018 and Insolvency (Insolvency Practitioners) Rules, 2018</p>	<i>Provide brief points only</i>

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	<p>Aimed to further strengthen the insolvency legal framework in Brunei Darussalam and took effect from 19 September 2018. The Insolvency (Insolvency Practitioners) Rules, 2018 commences the provision of Part VIII – Insolvency Practitioners and their qualifications in the Insolvency Order, 2016 and provides for the administration and supervision of insolvency practitioners who are tasked to increase the recovery rate of a company.</p> <p>With the introduction of Insolvency (Insolvency Practitioners) Rules, 2018, the companies may nominate a liquidator that is registered with the authorizing body to act and manage the insolvent company.</p> <p>iii. Companies Act (Amendment) Order, 2018 and Companies (Striking Off) Rules, 2018</p> <p>Aimed to further strengthen the Companies Act (Chapter 39) in Brunei Darussalam with effect from 13 September 2018. The Companies Act (Amendment) Order, 2018 is introduced to further strengthen and support the provisions of the Companies Act (Chapter 39) and introduces the Companies (Striking Off) Rules, 2018. This is to ensure a more effective enforcement system for striking off companies from the Register.</p>	
<i>Website for further information:</i>		
<i>Contact point for further details:</i>		
Standards and Conformance	<ul style="list-style-type: none"> - By 2019, eight (8) Brunei Darussalam Standards (Piawai Brunei Darussalam, PBDs) have been developed and published, with the aim to enhance the usage of PBDs as a reference in producing safe and quality products and services. - PBDs that are published focuses mainly on Agricultural Crop that aim to cater agricultural communities in the country with an instrument that will maintain and improve the quality of agricultural produce in particular rice, vegetables and fruits. It is fundamentally designed to set a standard for on-farm production activities that will ensure the quality and enhance competitiveness 	<i>Provide brief points only</i>

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	<p>of agricultural produce from this country, in both domestic and export markets.</p> <ul style="list-style-type: none"> - Currently a total of 158 Brunei Darussalam Standards (Piawai Brunei Darussalam, PBDs) have been published by 2019 and six (6) socialisation programmes have been actively conducted to create awareness amongst public and stakeholders on the PBDs published. 	
<i>Website for further information:</i>		
<i>Contact point for further details:</i>	<p>National Standards Centre Ministry of Finance and Economy B19, Simpang 32-5, Jalan Anggerek Desa Bandar Seri Begawan BB8810 Brunei Darussalam Tel : +6732334192</p>	
<i>Customs Procedures</i>	<ul style="list-style-type: none"> - Amendment of Law for both Customs Import and Excise Duties Orders, 2017 (which can be retrieved from Attorney General Chambers' website on Government Gazette Part II – 2017). - Introduction of Sutera Lane Merchant Scheme (SLMS) program effective 2nd September 2017; Accredited Client Scheme adapted from Authorised Economic Operator (AEO) standards – a globally recognised trade facilitation tool by WCO. - All Customs Import Duty Payment made online and abolishment of OTC (Over the Counter) effectively on 1st September 2017 - Implemented Green and Red Zone at Muara Container Terminal effectively on 9 November 2017. - Enhancement of Brunei Darussalam National Single Window (BDNSW) which includes online manifest for Port Clearance, Blanket Permit Approval and Online payment upon declaration effectively on 15th March 2018. 	<ul style="list-style-type: none"> - Continuous development of a single trade facilitation and integrated risk-based system. - Continuous effort in simplifying Customs Procedures.

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	<ul style="list-style-type: none"> - Use of Vehicle Exit/Entry System (VES) effectively on April 2018 - Use of Credit/Debit Card for payment for customs duties and taxes at selected customs offices effectively on 13 May 2019. 	
<i>Website for further information:</i>	www.tradingacrossborders.gov.bn or www.agc.gov.bn	
<i>Contact point for further details:</i>	info@customs.gov.bn	
Intellectual Property Rights	<p><u>Trade Mark (TM)</u></p> <ol style="list-style-type: none"> 1. Brunei Darussalam became the 98th member of the Madrid System when it submitted its Instrument of Accession to Madrid Protocol for the International Registration of Marks on 6 October 2016. The Protocol entered into force for Brunei Darussalam on January 6, 2017. 2. A subsidiary legislation was introduced following Brunei Darussalam's accession to the Madrid System ie Trade Marks (International Registration) Rules, 2018 which came into force on 28 May 2018. 3. Brunei Darussalam joins TMview and DesignView on 23 January 2019 where both tools contain data from 68 participating offices. The integrations of BruIPO in TMview and DesignView are concrete results of the IP Key South East Asia programme directed by the European Commission and executed by the European Intellectual Property Office (EUIPO). With the addition of more than 46,000 trade marks from BruIPO, TMview provides information and access to more than 52.5 million trade marks in total. <p><u>Industrial Design (ID)</u></p> <p>As mentioned above, Brunei Darussalam joins DesignView on 23 January 2019. DesignView contains more than 14.4 million designs, including 190 designs from BruIPO.</p>	<ol style="list-style-type: none"> 1. BRUIPO will continue to: <ul style="list-style-type: none"> - Work together with relevant agencies on trade mark; the Madrid System; Industrial Design (ID); Geographical Indication (GI); Plant Variety Protection (PVP); Copyright - raise promote and raise awareness on the above-mentioned to the public including youth, and local brands; - to engage and collaborate with non government associations such as the International Trademark Association. <p><u>Industrial Design (ID)</u></p> <ol style="list-style-type: none"> 1. BruIPO will be providing an IP consult on ID as well as ID awareness.

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	<p><u>Geographical Indication (GI)</u></p> <ol style="list-style-type: none"> BruIPO hosted a consultation meeting on the development of a GI system on 3 April 2019 with representatives from the IP Key Sea team based in Bangkok. The consultation meeting brought together officials from BruIPO and relevant agencies from Ministry of Home Affairs (MOHA), Ministry of Health (MOH), Ministry of Primary Resources and Tourism (MPRT) and Darussalam Enterprise (DARe). The meeting discussed options for setting up a GI system and way forward for the development of a GI system in Brunei. BruIPO hosted the Arise + IPR Seminar on GI in collaboration with the European Union Intellectual Property Office (EUIPO) on 19 September 2019 and was attended by participants comprising of representatives from the industry and business sectors, government department, ministries and stakeholders. <p><u>Patent</u></p> <ol style="list-style-type: none"> Amendments were made on the Patents (Amendment) Order, 2017 on 10th April 2017. BruIPO collaborated with the United States Patent and Trademark Office (USPTO) and facilitated a 2 – days “Train the Trainee” IP Workshop in 2019. The workshop aimed to provide facilitators (lecturers and technology transfer offices) basic IP introduction and education strategies on IP. BruIPO was invited by the Authority for Info-communications Technology Industry (AiTi) to give a talk on “Patent System in Brunei Darussalam” on 19 February 2020 with the aim to create awareness and to educate ICT Industry on the patent process and its benefits. <p><u>Plant Variety Protection (PVP)</u></p> <ol style="list-style-type: none"> BruIPO attended the International Seminar on the Protection of New Plant Varieties and the 12th Annual Meeting of the East Asia Plant Variety Protection (12th EAPVP) on 23rd and 24th April 2019. 	<p><u>Patent</u></p> <ol style="list-style-type: none"> Planned establishment of the Technology and Innovation Support Centre (or TISC) at University of Brunei Darussalam (UBD) by end of 2020, which in collaboration with UBD and WIPO. <p><u>Plant Variety Protection (PVP)</u></p> <ol style="list-style-type: none"> Planned Accession to the International Union for the Protection of New Varieties of Plants (UPOV) by 2020-2021.

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	<p>2. The Plant Varieties Protection (PVP) Order 2015 was enacted on 1st April 2015 and was amended by the Plant Varieties Protection (Amendment) Order 2016 on 25th January 2016.</p> <p>Copyright</p> <p>1. BruIPO has been in talks with Beat Berhad, a local collecting society that represents authors and composers of Brunei Darussalam, on royalty payments and copyright awareness.</p>	
<i>Website for further information:</i>	www.bruipo.gov.bn	
<i>Contact point for further details:</i>	<p>Nur al-Ain Dr Haji Abdullah Head of BruIPO Knowledge Hub (KHub) Building, Simpang 32-37, Anggerek Desa Technology Park, Jalan Berakas BB 3713 Brunei Darussalam</p> <p>Email: enquiries@bruipo.gov.bn Phone: +6732380966 Fax: +6732380545</p>	
Competition Policy	<p>Competition Commission of Brunei Darussalam (CCBD) The CCBD is currently headed by a newly appointed Chairperson together with six commission members, with the date of appointment effective on 6 December 2018. The Board of Commissioners is responsible for strategic direction, case decisions and penalties. Whereas the Department of Competition and Consumer Affairs serves as the Executive Secretariat having the administrative and investigative functions.</p> <p>Enforcement The Competition Order 2015 allows for phased-implementation of its provisions. The enforcement of the first key prohibition of the Order, the Anti-Competitive</p>	<p>Moving forward, the priority work ahead is to focus on continuing preparatory work such as developing and improving process and procedures, and continuing advocacy and socialization activities involving relevant stakeholders.</p> <p>The plan is also to focus on enhancing competitiveness of public procurement, and carry out the function of policy advisory work to ensure policy coherence to the objective of</p>

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	<p>Agreements prohibition and its related provisions, took effect on 1 January 2020. A transitional period beginning 1 January 2020 to 30 June 2020 is in place to allow businesses to make adjustments in ensuring compliance with the Order. This period is applicable for agreements made before 1 June 2019. Regulations, guidelines, process and procedures are formulated in building up to enforcement.</p> <p>Advocacy and socialization The CCBD has launched an official website (www.ccbd.gov.bn) on 1 January 2020 for the public and businesses to learn more about the Competition Order. Engagement sessions and business dialogues involving policy makers, procurement officials and vendors have been actively conducted to create awareness on the key prohibitions and in encouraging self-compliance. To date, 38 advocacy sessions have been conducted covering more than 50 institutions. The issues compiled over the engagement sessions provided insights and basis in setting priority in work ahead. Advocacy materials such as banners on cartels and media publication on the Competition Law Series, have been developed to complement the advocacy efforts.</p> <p>Capacity Building In October 2018, a regional workshop on "Competition Interface Workshop on Construction Sector" was hosted in Brunei Darussalam supported by the AANZFTA CLIP programme. Beside regular attendance in trainings under the ASEAN umbrella, the CCBD also organized in-house trainings. In 2019, the CCBD has organized three in-house trainings facilitated by a competition advisor covering topics on application of Anti-Competitive Agreements prohibition, relevant market and Theory of Harm.</p>	<p>competition law. Capacity-building will be an on-going activity of the CCBD.</p>
<i>Website for further information:</i>	www.ccbd.gov.bn	
<i>Contact point for further details:</i>	Executive Secretariat to the Competition Commission Brunei Darussalam Department of Competition and Consumer Affairs Department of Economic Planning and Statistics Email: brunei.competition@jpke.gov.bn Tel: +673 22 333 44 ext 230 / 343 / 341	

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Government Procurement	- No improvements made since the last IAP 2018	
<i>Website for further information:</i>	https://www.mofe.gov.bn/Divisions/state-tenders-board-general-information.aspx	
<i>Contact point for further details:</i>	Nurul Izzah Binti Abdul Kahar Secretary of the State Tender Board Email: izzah.kahar@mofe.gov.bn Tel: +6732383329	
Deregulation/Regulatory Review	-	
<i>Website for further information:</i>	-	
<i>Contact point for further details:</i>	-	
Implementation of WTO Obligations/ROOs	Brunei Darussalam notified the definitive date, i.e. 22 February 2022, to implement commitments under Category B (Article 4.4 and 7.7) of the WTO Trade Facilitation Agreement.	
<i>Website for further information:</i>	-	
<i>Contact point for further details:</i>	Trade Division Ministry of Finance and Economy Brunei Darussalam E-mail: tradedept@mofe.gov.bn	
Dispute Mediation	Brunei Darussalam signed the United Nations (UN) Convention on International Settlement Agreements Resulting from Mediation on 7 th August 2019 in Singapore.	

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<i>Website for further information:</i>	www.agc.gov.bn	
<i>Contact point for further details:</i>	<p>Attorney General's Chambers The Law Building Jalan Raja Isteri Pengiran Anak Hajah Saleha, Bandar Seri Begawan, BA1910 Brunei Darussalam</p> <p>Tel : +673 2244872 Fax : +673 2227954</p>	
Mobility of Business People	<ul style="list-style-type: none"> - As of 31 March 2020, there is a total of 194 active APEC Business Travel Card cards in Brunei. - The Brunei's Department of Immigration and National Registration website is now also available in English language. 	<i>Provide brief points only</i>
<i>Website for further information:</i>	www.immigration.gov.bn	
<i>Contact point for further details:</i>	<p>Policy and International Affairs Department of Immigration and National Registration Brunei Darussalam</p> <p>Tel: +6732383106 Fax: +6732380876</p>	
Official websites that gather economies' information	<ul style="list-style-type: none"> - businessBN is a whole-of-government service that aims to provide businesses with essential information on government services and reforms related to doing business in Brunei Darussalam. www.business.gov.bn is a single portal providing the Brunei business community easy access to information on a range of government procedures, legislation, guidelines and services related to doing business. Entrepreneurs and business owners may visit Business Support Centre, a one stop centre, to have direct consultations for any advices on government services. - The Department of Economic Planning and Statistics (DPES) is the official agency responsible for statistics collection in Brunei Darussalam. 	<i>Provide brief points only</i>

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	<ul style="list-style-type: none">- Brunei Economic Development Board (BEDB) is a statutory board established in November 2001 to grow and diversify the economy towards achieving the Brunei Vision 2035 (Wawasan Brunei 2035). The BEDB also acts as a frontline agency to facilitate foreign investment into the country and will work closely with investors to understand their business needs. The BEDB will assist in providing information on the local investment climate, developmental requirements, laws and regulations, cost of doing business and project specific information.	

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<i>Website for further information:</i>	<p>Information portal for government services and reforms: https://business.mofe.gov.bn</p> <p>For official statistics (Department of Economic Planning and Statistics) www.deps.gov.bn</p> <p>For Investment Opportunities www.bedb.com.bn</p>	
<i>Contact point for further details:</i>	<p>Business Support Centre Design & Technology Building, Simpang 32-37, Bandar Seri Begawan BB3713. General Line: +673 2384830</p> <p>Brunei Darussalam Economic Development Board (BEDB) Level 4, Tower Block, Ministry of Finance & Economy, Commonwealth Drive, Bandar Seri Begawan BB3910 Brunei Darussalam General Line+673-223-0111 Fax Line+673-223-0074 Email: info@bedb.com.bn</p> <p>Department of Economic Planning and Statistics Ministry of Finance and Economy Block 2A, Jalan Ong Sum Ping Bandar Seri Begawan BA1311 Brunei Darussalam General Tel No : +673 2233344 Fax No : +673 2230226 e-mail : info@jpes.gov.bn</p>	

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<i>Transparency</i>	All national laws and regulations are published online on the Attorney General's Chambers website.	<i>Provide brief points only</i>
<i>Website for further information:</i>	www.agc.gov.bn	
<i>Contact point for further details:</i>	<p>Attorney General's Chambers The Law Building Jalan Raja Isteri Pengiran Anak Hajah Saleha, Bandar Seri Begawan, BA1910 Brunei Darussalam</p> <p>Tel : +673 2244872 Fax : +673 2227954</p>	

RTAs/FTAs	<i>Please use Part 1 of the RTA/FTA reporting template to provide a short description or hyperlinks to any new agreements and to report improvements to existing agreements</i>
- Description of current agreements	
- Agreements under negotiation	<i>Please provide information on agreements that are currently under negotiation eg issues being covered in the negotiation and the status of the negotiation.</i>
Agreement #1	<p><u>ASEAN-Australia-New Zealand FTA</u></p> <ul style="list-style-type: none"> - The first formal round of negotiations to upgrade the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA), is scheduled to take place in June 2020. The upgrade will include renegotiating certain chapters of the AANZFTA such as Trade in Goods, Rules of Origin, Customs Procedures and Trade Facilitation, Trade in Services, Electronic Commerce, Investment and Competition. The upgrade also looks into the development of a chapter on Government Procurement which covers cooperation and transparency.
Agreement #2	The review of the ASEAN-India Trade in Goods Agreement (AITIGA) for further liberalization and the review is expected to commence in 2020. The agreed scope of the review include implementation issues, facilitation measures, to take into account other negotiations on further liberalisation of trade in goods, sharing and exchanging of trade data and promoting AITIGA to the stakeholders.
- Future plans	<ul style="list-style-type: none"> • Brunei Darussalam is finalising its internal process to have the ASEAN-Hong Kong Free Trade Agreement and ASEAN-Hong Kong Investment Agreement ratified the soonest. • Brunei Darussalam and other Regional Comprehensive Economic Partnership (RCEP) participating countries (excluding India) concluded the RCEP negotiation on 4 November 2019. The signing of the agreement is targeted to be in 2020. • Brunei Darussalam is part of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) that was signed on 8 March 2018 and is currently conducting its internal process for the ratification of the Agreement.
<i>Website for further information:</i>	
<i>Contact point for further details:</i>	Trade Division Ministry of Finance and Economy Brunei Darussalam E-mail: tradedep@mofoe.gov.bn