



APEC ACTIONS ON PUBLIC CONSULTATION IN THE IN INTERNET ERA

JENNIFER STRADTMAN

OFFICE OF THE U.S. TRADE REPRESENTATIVE

DECEMBER 10, 2014



APEC MISSION

The primary goal of APEC and its 21 Member Economies is to build a dynamic and harmonious Asia-Pacific community by championing free and open trade and investment, promoting and accelerating regional economic integration, encouraging economic and technical cooperation, enhancing human security, and facilitating a favorable and sustainable business environment. Our initiatives turn policy goals into concrete results and agreements into tangible benefits.

THE MANDATE

- In 2011, APEC Leaders called for a Strengthening of Implementation of Good Regulatory Practices in its concluding Declaration, focused on three areas:
 - Conducting Public Consultation
 - Ensuring Internal Coordination of Regulatory Work
 - Assessing the Impact of Regulations

SUPPORTING STUDIES

2011 Good Regulatory Practices in APEC Member Economies -
Baseline Study, November 2011,

http://publications.apec.org/publication-detail.php?pub_id=1323

Supporting the TBT Agreement with Good Regulatory Practices,
March 2012 <http://publications.apec.org/publication->

[detail.php?pub_id=1266](http://publications.apec.org/publication-detail.php?pub_id=1266)



**Supporting the TBT Agreement with
Good Regulatory Practices**
Implementation Options for APEC Members

APEC Committee on Trade and Investment
APEC Sub-Committee on Standards and Conformance

March 2012

GOOD REGULATORY PRACTICES IN APEC MEMBER ECONOMIES - BASELINE STUDY, NOVEMBER 2011

Three categories of GRPs are covered in this review:

- Internal coordination of rulemaking activity, particularly the ability to manage regulatory reform and coordinate with trade and competition officials
- Regulatory impact assessment (RIA), particularly the capacity to ensure that better policy options are chosen by establishing a systematic and consistent framework for assessing the potential impacts of government action, including impacts on trade.
- Public consultation mechanisms, particularly “publication for comment” and other practices that allow wide access, and the quality of consultation mechanisms

GOOD REGULATORY PRACTICES IN APEC MEMBER ECONOMIES - BASELINE STUDY, CONCLUSIONS

- About half of APEC economies have an explicit strategy for regulatory reform.
- Only one-third publish an annual legislative or regulatory plan.
- 12 economies have published clear regulatory quality principles for regulators to follow. The most consistent principles are those on transparency and efficiency (low-cost).
- All of the APEC economies have some kind of regulatory review underway. Those that do not have regular or annual reviews have launched one-off reviews of specific problems or specific sectors (16 economies), or even procedures in the Doing Business indicators (6 economies). Three economies have institutionalized large-scale reviews for ongoing reforms using the “guillotine” approach: Korea has reviewed 11,000 regulations, Vietnam has reviewed 5,700 regulations, and Mexico has reviewed more than 2,000 regulations.

GOOD REGULATORY PRACTICES IN APEC MEMBER ECONOMIES - BASELINE STUDY, CONCLUSIONS

- Ten APEC economies have created some kind of central body or authority explicitly tasked with oversight of regulation. These bodies are quite diverse.
- Twelve APEC economies have adopted some form of mandatory RIA, although the scope varies from economy to economy, and the standards for the content of RIA are fairly inconsistent and weak. Only four economies explicitly include trade impacts in the RIA, and only six explicitly include trade officials in the consultations on the RIA.
- Performance on the various consultation and transparency GRPs included in this review is weak to moderate. Most regulators in the APEC region have enormous discretion about how they consult, who they consult, when they consult, what information they collect in consultation, on what documents they consult, and how they respond to consultations.

SUPPORTING ACTIVITIES

“Regulatory cooperation has become an important area of focus for APEC economies,” said Professor Bambang Prasetya, the Chairman of Indonesia’s National Standardization Agency. “It is a self-fulfilling paradigm that better regulation and the improved alignment of regulatory practices will bring economies closer together and foster increased growth.”



7th Conference on Good Regulatory Practice, held June 26-27, 2013 in Medan, Indonesia

WORKSHOPS: E-RULEMAKING AND PUBLIC CONSULTATION IN THE INTERNET ERA

Held November 12-15, 2013 in Washington, DC with approximately 75 participants from 13 APEC Member economies.

Participants were responsible for the issuance of regulatory proposals subject to notice and comment, promoting GRPs in their economy, or managed e-rulemaking programs.

A follow up workshop was held by the Economic Committee on August 14, 2014 in Beijing, China.

TOPICS DISCUSSED AND IDEAS ON FUTURE CAPACITY BUILDING

- Establishing legal, IT, and administrative frameworks for public consultation and e-rulemaking
- Developing and improving whole-of-government websites for conducting public consultations on proposed regulations
- Standardizing procedures across ministries and regulators for effective consultation with stakeholders
- Gathering secure/reliable/updated regulatory information in a single location on-line
- Providing opportunities for other ministries or regulators and the public to comment on draft regulatory impact analysis

2014 LEADERS STATEMENT

To meet our objective of strengthening the implementation of good regulatory practices, we will further enhance communication, exchanges, and sharing of experiences, and foster an open and transparent regulatory environment in our economies, according to individual economies' needs and circumstances. We will endeavor to take new actions through the use of information technology and the Internet to improve our conduct of public consultations on proposed regulations.



©人民日报

FUTURE ACTIVITIES

- Philippines will host APEC in 2015 and the organization of the 8th Conference on Good Regulatory Practice will be led by the Philippines Department of Trade and Industry.
 - Engage in capacity building for regulators to build capacity for GRPs, including
 - Online locations for regulatory information
 - Prospective Regulatory Planning
 - Periodic Review of Existing Regulations
- Will also update the Baseline Study to examine progress made after four years of implementation.
- In 2016, the Economic Committee will have responsibility for holding the now annual GRP Conference in Peru.

2015 APEC CAPACITY BUILDING ON E-RULEMAKING

- A mix of workshops and dialogues in APEC to build understanding of implementation of best practices, tools and methodologies.
- Targeted, focused economy-specific capacity building
- Train-the-trainer initiatives on how regulators should structure requests for public comments to get the best possible feedback on proposed regulations
- Training for companies, focused on SMEs, to draft effective comments on proposed domestic and foreign regulations to ensure regulators take their comments into account.

THANK YOU

Jennifer Stradtman

Office of the United States Trade Representative

202-395-4498

Jennifer_A_Stradtman@ustr.eop.gov