

# 行政院所屬各機關因公出國報告書

(出國類別：出席國際會議)

## 出席 2017 年亞太經濟合作(APEC) 經濟委員會第二次會議(EC2)暨相關會議出國報告

出國人員服務機關	職 稱	姓 名
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國家發展委員會社會發展處	副處長	張富林
國家發展委員會綜合規劃處	專門委員	徐如賓
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財團法人資訊工業策進會	副主任	郭戎晉

會議地點：越南胡志明市

會議時間：106年8月19日至8月28日

完成報告：106年9月28日



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## 壹、摘要

### 一、會議時間及地點

今(2017)年 APEC 第三次資深官員會議(SOM3)之各項會議於 8 月下旬在越南胡志明市舉行，我方由本會綜合規劃處張處長惠娟及本會(綜合規劃處、社會發展處、法制協調中心)、公平交易委員會及經濟部商業司等單位同仁出席經濟委員會(Economic Committee, EC)第二次會議(EC2)暨相關研討會，包括良好法規實務、法規影響評估之推廣交通燈號模型、探求 APEC/OECD 未來良好法規實務合作方案、簡化商業登記與公司組建等研討會，另參加資深官員對話—區域貿易協定/自由貿易協定與促進經濟、金融與社會包容等 2 場 SOM3 相關會議。

### 二、會議目的

今年經濟委員會第 2 次會議(EC2)主要議程包括：現階段 EC 結構改革優先領域之進展盤點與未來工作計畫，涵括：競爭政策、公部門治理、經商便利度、強化經濟與法制基礎架構、法制革新、良好法規實務、公司治理與法制等領域，以及 2017 年 APEC 經濟政策報告與籌備 2018 年 APEC 結構改革資深官員會議等。

### 三、我方參與及會議重要結論

- (一) EC2 暨相關會議議題包括：「APEC 結構改革更新議程(Renewed APEC Agenda for Structural Reform, RAASR) 2016-2020」之進展、「2017 年 APEC 經濟政策報告(APEC Economic Policy Report, 2017 AEPR)—結構改革與人力資本發展」撰擬初稿、APEC 區域經濟趨勢分析、數位經濟、

「APEC-OECD 競爭評估架構背景報告」、微中小企業 B2B 線上爭端解決(Online Dispute Resolution, ODR)工作計畫、公部門治理(Public Sector Governance, PSG)2018 年新提案，以及「促進經濟證據之運用以增進競爭政策及市場運作成效」與「內化 OECD 國營事業治理準則」2 場政策討論會；另本次尚有第 10 屆良好法規實務、法規影響評估之推廣交通燈號模型、簡化商業公司登記、APEC 與 OECD 良好法規實務合作等研討會，我方相關業務單位皆派員與會。

(二) APEC 結構改革更新議程(Renewed APEC Agenda for Structural Reform, RAASR)：結構改革高階官員會議(High-Level Structural Reform Officials Meeting, HLSROM)預計於 2018 年 8 月 EC2 期間於巴布亞紐幾內亞莫士比港召開，該會議將採認 RAASR 期中成果盤點報告。有關 RAASR 期中成果盤點模板及工作時程草案，已由 PSU 送交各會員體審視，目前規劃各會員體於 2018 年 3 月提交 RAASR 個別行動計畫(Individual Action Plan, IAP)的進展。

(三) 2017 年 APEC 經濟政策報告(2017 AEPR)：今年 AEPR 主題為結構改革與人力資本發展，撰擬核心小組(Core Team)由加拿大主導，報告初稿已於 8 月送各會員體提供評論意見。我方國發會張處長惠娟發言表示感謝加拿大領導的 2017 AEPR 撰擬核心小組，2017 AEPR 指出 9 點政策建議可做為區域內人力資本發展的重要指引，並表示我方為第一個提交個別經濟體報告(IER)的會員體，很樂意提供經驗並向其他會員體學習，特別是提升教育與技能、在技職訓練與技能發展上納入私部門的角色、發展適當的技能認證機制，以及透過跨境訓練交流、勞工移動與法規調和以促進人與人連結性等領域。

(四) 競爭政策：越南及 OECD 報告其合作之「APEC-OECD 競

爭評估架構背景報告」(草案)。我方與會代表發言表達對 APEC-OECD 競爭評估架構之支持，並簡述我方目前係藉由競爭倡議與適時針對其他產業主管機關現行、正在草擬或研修之法案提供意見，促使該等管制者將競爭因素納入考量。我方盼藉由 APEC-OECD 競爭評估架構之推動，帶動會員體內各行政單位對競爭評估之瞭解及重視。本架構草案將提交資深官員採認。

- (五) 微中小型企業(MSMEs) B2B 線上爭端解決架構(Online Dispute Resolution, ODR)工作計畫：SELI 在今年 EC1 通過之微中小型企業(MSMEs) B2B 線上爭端解決架構(ODR)工作計畫，本次 EC2 該計畫在進行政策討論後，決議將運用最新科技(如區塊鏈)以促進爭端解決及落實電子化契約管理，簽訂智慧契約(smart contract)，不僅解決已發生的爭端，甚至可預防爭端的事件發生。香港新提案將自費於明年 2 月 EC1 會議期間舉行為期 2 天的研討會。我方與會代表於會中提及區塊鏈(block-chain)現行國際間相關法制及技術實務恐有競合疑慮，美國表示日後將針對技術應用問題做進一步之討論。
- (六) 公部門治理：泰國及俄羅斯分別提案於 2018 年 EC1 辦理開放政府(open government)與公共 E 化服務(Public E-Service)政策討論，並獲各會員體支持採認，目前泰國已規劃邀請菲律賓及我方經驗分享，俄羅斯提及我方於 2013 年及 2015 年有分享公共 E 化服務的經驗，希望能將議題進一步拓展。我方與會代表表示，將樂意配合泰國與俄羅斯規劃，在下次會議分享相關經驗。

## 貳、會議經過

### ■ EC2(會議議程如附件一)暨相關會議

#### 一、APEC結構改革更新議程(RAASR 2016-2020)

(一)結構改革高階官員會議(HLSROM)預計於 2018 年 8 月 EC2 期間於巴布亞紐幾內亞莫士比港召開，該會議將進行 RAASR 期中成果盤點報告等工作。

(二)為準備 RAASR 期中成果盤點工作，APEC 政策支援小組 (PSU)於本年 7 月提出 RAASR 期中成果盤點模版初稿(附件二)，擬請各會員體依 IAP 之優先領域，填列質化與量化成果評估及未來執行計畫，並規劃工作時程(附件三)如下，各會員體並無修正意見。

- 1.2017 年 9 月：EC2 會後休會期間通過期中成果盤點模版。
- 2.2018 年 3 月：各會員體依模版提交 RAASR IAP 的進展。
- 3.2018 年 6 月：PSU 彙撰完成 RAASR 期中成果盤點報告，並將初稿提供各會員體檢視。
- 4.2018 年 8 月：EC 審閱 RAASR 期中成果盤點報告，並同意提交結構改革高階官員會議採認。
- 5.2018 年 8 月：結構改革高階官員會議採認 RAASR 期中盤點報告。

(三)EC 主席 Mr. Rory McLeod 提出 2018 年 HLSROM 可能預期成果文件(附件四)供各會員體參考，要點如下：

- 1.建議可將 EC 於 2017 年第 1 次資深官員會議(SOM1)提交之 APEC 服務業競爭力路徑圖下之 RAASR 執行情形報告(附件五)更新擴充，做為結構改革高階官員評估 RAASR 期中成果的參考資料，俾就 RAASR 整體的進展提出質化建議，同時也可提供 EC 2018 到 2020 年工作進展的思考方向。



2. 運用 APEC 政策支援小組(PST)於 2016 年所發展用以評估 RAASR 進展的量化指標，對 RAASR 整體的進展提出量化的建議。
3. 各會員體可在 HLSROM 報告目前尚未完成或進度落後的計畫，由其他會員體或專家學者提供執行上的專業建議。
4. HLSROM 可就 2018 年 AEPR 草案，或是先前 AEPR 的執行情形提出意見。
5. 各會員體可利用此次機會進行第 2 期 EoDB 行動計畫初步盤點，並討論是否要延長此計畫。

## 二、APEC 經濟政策報告(APEC Economic Policy Report, AEPR)

### (一)2017 AEPR 草案

1. 2017 年 APEC 經濟政策報告(2017 AEPR)：今年 AEPR 主題為結構改革與人力資本發展，由加拿大主導之撰擬核心小組(Core Team)，尚包括越南、秘魯、印尼、紐西蘭及澳洲，並由印尼與越南提供個案研究，我方為第一個繳交本年 AEPR 個別經濟體報告(Individual Economy Report, IER)的會員體，獲今年主導 AEPR 撰擬小組之加拿大讚揚我方報告精實豐富，並提供其他 APEC 會員體作為撰擬參考範例。
2. 2017 AEPR 撰擬小組邀請曾任世界銀行首席經濟學家及國際貨幣基金組織(IMF)代理總裁 Dr. Anne Krueger 與會，就 2017 AEPR 提供評論意見，K 教授表示，受過良好訓練的勞工對經濟成長扮演重要角色，透過人力資本發展的結構改革，可促使包容性成長的實現。基礎教育是人力資本發展的基石，其後中等教育或技職教育及訓練(Technical and Vocational Education and Training, TVET)，每個階段都

擔負培養不同技能工作者的任務，政府須就不同階段分別擬訂因應策略。目前 APEC 各會員體中，即便在發展較進步的國家，在這方面的研究及政策因應仍有不足，從教育資源的分配來看，明顯較偏重學術教育而相對忽略技職教育，此將導致就業市場不平衡的情況。另 K 教授以波多黎各訂定過高最低薪資反而降低雇主僱用員工意願，導致該地失業率攀升為例，說明政府實施社會保障 (Social Protection) 措施時，應先確保各項規定不會損及人力資本的發展，再尋求有效務實的執行方式；另因應社會、科技、貿易型態的轉變，工作者所具備的技能將滾動變化，政府應更加注重在職訓練 (on-the-job training) 及技能認證的重要性。

3. APEC 人力資源發展工作小組 (HRDWG) 總主席 (Lead Shepherd) Dr. Dong Sun Park 受邀與會，P 教授提到 APEC 教育策略 (APEC Education Strategy) 業於 2016 年教育部長會議採認，另 HRDWG 刻規劃勞動力移動等相關倡議及行動方案，2017 AEPR 可做為發展相關倡議重要的指引，提供思考的方向，建議 HRDWG 可與 EC 合辦會議來探討雙方共同關心的議題。
4. 日本、紐西蘭、秘魯、印尼、巴布亞紐幾內亞、菲律賓及泰國皆發言感謝 2017 AEPR 核心撰擬小組，秘魯表示其國內就業市場與勞工具備技能也有落差情形，正致力改善；泰國則表示該國正面臨中等收入陷阱 (Middle Income Trap)，肯定本報告可做為其確認國內人力資本結構改革進度的檢核表；菲律賓建議就勞工健康、保險等議題進一步探討。
5. 美國發言表示，特別感謝 2017 AEPR 點出提升婦女勞動參與、勞動市場政策檢視這兩項重點，另就勞工權益與工會

組織一節，提及勞動市場不平衡情形，希望 PSU 補充可信的資料來源與正確的研究方法，避免帶有政治色彩的判讀。

6. 我方國發會張處長惠娟發言表示感謝加拿大領導的 2017 AEPR 撰擬核心小組，2017 AEPR 指出 9 點政策建議可做為區域內人力資本發展的重要指引。另呼應美國提出的婦女勞動參與在人力資本發展的重要性，並表示我方將就提升婦女勞動參與持續努力。我方為第一個提交 IER 的會員體，很樂意提供經驗並向其他會員體學習，特別是提升教育與技能、在技職訓練與技能發展上納入私部門的角色、發展適當的技能認證機制，以及透過跨境訓練交流、勞工移動與法規調和以促進人與人連結性等領域。

(二)加拿大就 2017 AEPR 的發布、利用及其建議事項(附件六)之後續追蹤方式，提出一份未來工作事項(Forward Agenda；如附件七)，EC 主席將併同 2017 AEPR 提報總結資深官員會議(CSOM)。

(三)2018 AEPR 主題及撰擬規劃

1. 2018 年 AEPR 主題已訂為結構改革與基礎建設，紐西蘭表達願意領導撰擬小組，另澳洲、中國大陸、墨西哥、巴布亞紐幾內亞、越南、菲律賓及泰國亦表達參與意願；OECD 的 Ms. Donna-Jean Nicholson 表示 OECD 有許多此領域的專家，屆時願意支持 2018 AEPR 的撰寫。
2. 因應 2018 年 AEPR 主題，越南提出 EC 與財政資深官員會議(Senior Financial Officials' Meeting, SFOM)合作行動計畫，EC 及 SFOM 將共同合作完成 AEPR 撰擬，並尋求其它可能的合作機會。

### 三、APEC 區域經濟趨勢分析 (APEC Economic Trends

## Analysis)

本場次由 EC 主席主持，邀請 APEC 政策支援小組(PSU)主任 Dr. Denis Hew 及太平洋經濟合作理事會(PECC)秘書長 Dr. Eduardo Pedrosa 就區域經濟趨勢進行分析報告。

### (一)PSU 主任 Dr. Denis Hew 報告要點如下：

- 1.對區域經濟展望審慎樂觀：隨著世界經濟的穩固復甦，APEC 區域經濟持續成長，其中，家計單位消費與出口是經濟成長的主要動能，同時，工業生產亦持續強勁，反映經濟成長動力持續，可望支持 APEC 經濟未來復甦趨勢，2017 與 2018 年 APEC 區域經濟成長率預估皆可達 3.8%，略高於世界經濟成長率 3.4% 至 3.6% (IMF 與世界銀行預估)。
2. APEC 會員體持續鼓勵貿易與投資活動的進行：貿易促進的措施增加，投資友善的措施亦較限制性措施明顯為多，惟投資限制措施似有增加趨勢。
- 3.全球化的機會與挑戰：全球化可促進經濟成長、降低貧窮與改善生活條件，惟全球化亦導致經濟成長缺乏包容性、中低階技術勞工失業等負面衝擊，政府在短期可推動所得支持與失業保險等措施；長期可進行勞工的再訓練與就業輔導等，並推動結構改革與進行區域合作等。

### (二)PECC 於 2016 年 8 月至 9 月對其會員體之公私部門決策者進行調查，報告要點如下：

- 1.未來 2 至 3 年成長風險，依序為中國大陸經濟成長轉弱、世界貿易持續減緩、結構改革未能落實。其中，認為保護主義是成長風險所占比率自 2014 年以來呈現增加趨勢。
- 2.需要進行結構改革的領域，依序為創新與企業精神、教育與勞工、基礎建設等；新經濟與服務將驅動未來經濟成長，

重要領域依序為數位貿易與網路經濟、資通訊、教育等。而服務業不論在先進國家或在新興經濟體皆扮演驅動成長的重要動力來源，管制則是服務貿易的主要障礙。

- 3.以投資做為經濟成長動力而言，比較金融危機以來 2007 年至 2017 年投資占 GDP 比率的變動，20 個經濟體中，僅 7 個經濟體增加，其他如越南、我國、澳洲、美國等國皆下降。

#### 四、數位經濟

澳洲邀請 AlphaBeta 顧問公司與會報告其對於「數位國家—促進投資與成長的政策槓桿」的研究，本份研究指出，從企業家觀點來看，對於成為數位國家<sup>1</sup>(Digital Nation)最重要的政策工具，依序為「數位人才」、「科技投資環境」、「稅制」、「法制系統」、「研究與商業的合作」、「總體經濟穩定度」及「內需」，另本研究就融資、數位產品、人力資本、數位社群等 4 個面向來分項衡量亞洲 11 個國家成為數位國家的潛力，我國總排名為第 6，在數位產品與融資領域排名較佳，在人力資本項目，特別是吸引及延攬國際人才方面，仍須加強因應。

#### 五、現階段 EC 結構改革優先議題領域之工作計畫辦理情形

##### (一)競爭政策

- 1.現任 CPLG 主席—秘魯競爭法主管機關 INDECOPI Mr. Jesus Espinoza 報告 2017 年 CPLG 目前工作進度，提及巴布亞紐幾內亞「結合管制制度之資訊分享研討會」、秘魯「和解協商作為打擊卡特爾有效工具之研討會」、越南「促

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<sup>1</sup>註:「數位國家(Digital Nation)」在該研究中的定義為主動驅動數位經濟的國家，如數位國家將因應電子商務、自動化等新興轉變，適時發展勞動力升級及再訓練的計畫，或積極吸引、延攬數位相關的跨國企業，以及支持新創公司、並勇於嘗試鼓勵企業創新的實驗性新方法等。

進經濟證據之運用以增進競爭政策及市場運作成效研討會」及菲律賓「國際定期海運競爭政策應用」等提案計畫，其中越南「促進經濟證據之運用以增進競爭政策及市場運作成效研討會」及巴布亞紐幾內亞「結合管制制度之資訊分享研討會」已申請到 APEC 補助，另 2 項提案計畫則仍在審查程序中。E 主席鼓勵 CPLG 成員積極參與前開計畫之相關活動。

2. 越南及 OECD 報告其合作之「APEC-OECD 競爭評估架構背景報告(草案)」。我方與會代表(公平會)發言表達對 APEC-OECD 競爭評估架構之支持，並簡述我方目前係藉由競爭倡議與適時針對其他產業主管機關現行、正在草擬或研修之法案提供意見，促使該等管制者將競爭因素納入考量。我方盼藉由 APEC-OECD 競爭評估架構之推動，帶動會員體內各行政單位對競爭評估之瞭解及重視。

## (二) 公司法制與治理(CLG)

CLG 主席之友協調人越南於本次 EC2 會議辦理「內化 OECD 國營事業治理準則」(Internalizing OECD Guidelines for the Governance of SOEs)政策討論會(會議紀要詳本報告第 19-20 頁)。另越南於主席之友會議討論時，探詢其他會員體接任 CLG 主席之友協調人職位之意願，惟目前尚無會員體表達意願。

## (三) 公部門治理(PSG)

泰國與俄羅斯分別提議將「開放政府」(Open Government)及公共 E 化服務(Public E-Service)，列為 2018 年 EC1 政策討論會議題。提案要點及我方參與情形如下：

1. 泰國

- (1) 規劃在 2018 年 EC1 辦理 2 小時政策討論會，以開放政府為主題，包括政府服務流程及審查等各式文件及資料，能夠讓民眾使用，並希望鼓勵擴大開放政府以提升公共政策透明度、課責及公共參與，增進與民眾的互信及包容等。
- (2) 泰國規劃由公部門治理主席之友協調人 Dr. Pattama Teanravisitsagool 引言，並邀請 3-4 個會員體分享好的作法或成功案例，以及 2 位專家(如請 OECD 專家)介紹開放政府的原則及核心價值，最後進行綜合座談，並由協調人 Dr. Pattama Teanravisitsagool 與 EC 新任主席 Mr. Robert Logie 總結，目前泰國已規劃邀請菲律賓及我方參與經驗分享。

## 2. 俄羅斯

- (1) 規劃在 2018 年 EC1 辦理政策討論會，以開放政府公共 E 化服務(Public E-Service)為主題，將討論重點放在 E 化服務政策發展及推廣，也將邀請相關國際組織專家、各會員體政府代表及專家學者進行經驗分享、交流，同時提及我方於 2013 年與 2015 年有分享公共 E 化服務的經驗，希望能就議題進一步拓展。

## 3. 我方參與情形

- (1) 我方與公部門治理主席之友協調人—泰國經濟及社會發展委員會副秘書長 Dr. Pattama Teanravisitsagool、俄羅斯經濟部代表 Mr. Dimitriy Izymov 就我方推動開放政府、透過服務流程改造及評獎機制，帶動各機關導入資通訊科技改善服務等作為，進行經驗交流。另與愛沙尼亞資訊交換中心主任 Mr. Ingmar Vali 分享開放政府的作法，愛沙尼亞已可運用個人身分證(ID card)

線上申請各項公共服務，包括駕照及醫療等，我方也分享健保 IC 卡之運用及雲端藥歷之做法。

(2)由於泰國特別推崇及肯定我方對於推動開放政府及資訊公開(Open Data)的成就，我方代表國發會張副處長富林表示，我方在推動電子化政府及開放政府獲致諸多成果，更獲得全球開放資料排名指標 (Global Open Data Index)國際評比排名第一，將樂意支持與配合泰國規劃，在下次會議分享相關經驗。另印尼代表表示對於中央或地方政府進行開放政府的作法感到興趣，美國代表也提到愛沙尼亞的作法充分展現政府部門的合作，特別是單一窗口(Single Window)是值得討論的議題。

(3)我方國發會張處長惠娟表示，開放政府強調政策透明及公共參與，是當前我方政府的基本理念，我方將樂意配合會議決議及規劃，分享相關經驗。

#### **(四)經商便利度(EoDB)**

- 1.第二期 EoDB 計畫將於 2018 年屆期，主導會員體美國表示現階段除持續落實有關簡化公司登記、獲得信貸及執行契約的研究報告，並舉行相關能力建構的會議之外，日後如有發展第三期計畫，或是增加其他研究項目之想法，歡迎可隨時向美方提出。
- 2.墨西哥表示該國已持續針對中小企業簡化公司登記流程，有關如何運用電子簽章的問題，未來希望能與美國再進一步合作。
- 3.美國國務院律師顧問 Mr. Mike Dennis 針對 8 月 24 日簡化商業登記及公司組建研討會進行總結報告：



- (1)指出利用國際最佳實務簡化商業登記及公司改革係幫助微中小企業(MSMEs)進入正式部門的重要關鍵之一，  
基此，APEC 經濟委員會(EC)於法律制度上需要持續的進步。另外，簡化商業登記的有效運用亦可促進婦女參與正式部門。EC 應該積極與聯合國貿易與發展會議(UNCTAD)合作，包括更深入參與 UNCTAD 於 2014 年提出之國際商業登記(Global Enterprise Registration, GER. co)的倡議等。
- (2)建議 EC 應於 2017 年 EC2 時將簡化商業登記及公司組  
建草案研擬完成，並於 2018 年 SOM1 時完成診斷分析  
報告、對會員體進行能力建構、針對此主題之細項舉  
辦研討會、於 APEC 會員體係內推廣聯合國國際貿易  
法委員會(UNCITRAL)及美洲國家組織(OAS)工具，以  
調和企業之開辦。

#### **(五)法制革新(Regulatory Reform)及良好法規實務(GRPs)**

- 1.法制革新主席之友協調人墨西哥表示將持續朝推動良好  
法規實務(Good Regulatory Practice)之有效運用、持續推  
動國際法規調和(IRC)、將 GRP 運用於服務業領域、促進  
微中小企業(MSMEs)之參與、減輕並簡化商業法規、企  
業、自由競爭及國際貿易之法規成本、積極就法制革新  
(RR)進行研究、利用 RR 推動經濟再成長及加強運用資訊  
科技(IT)以強化透明度等 8 大目標努力，以支持結構改革  
在服務業、包容性成長(Inclusive Growth)和結構改革工具  
等領域之進展及達成結構改革更新議程(RAASR)支柱等  
目標。
- 2.墨西哥於 EC2 會前以問卷方式請各會員體提出說明，惟  
僅 11 個會員體回復，美國建議日後可參考 APEC-OECD

檢核表(Checklist)進一步深化問卷內容，後續請各會員體擇 1-2 個面向進行深度說明較為妥適。

3. APEC 標準及符合性次級委員會 (Sub-Committee on Standards and Conformance, SCSC) 主席說明本屆 GRP 研討會的概況，強調現正是將 GRP 具體運用的時機，應將 GRP 由討論階段轉向實用階段，此外，應重視法規調和以降低交易成本，另外，透明度及公眾諮詢在制定高質量的法規及標準上扮演了重要的角色。
4. 紐西蘭商業、創新及就業部之貿易及法規合作小組總顧問 Ms. Julie Nind 報告 8 月 23 日開創 APEC-OECD 未來於 GRP 之新合作項目研討會結論，並鼓勵各會員體運用 APEC-OECD 檢核表，另外，RR 主席之友於明年 EC 前將朝會議中建議之若干方向努力。
5. 紐西蘭在良好法規實務的議題以推動國際法規合作 (International Regulatory Cooperation, IRC) 為主，但因會員體間針對 IRC 樣態未達成共識，故本次會議並未將 APEC-OECD 檢核表進行實質的更新，本議題未來可能併入法制革新(RR)處理，我方(國發會法協中心)私下與紐西蘭相關負責人交流時，感謝紐西蘭過去在推廣 IRC 的努力，期待並支持渠後續提出相關計畫。
6. 印尼在本年 EC1 提出的 GRP 建構單一法規網站概念文件 (concept note) 已獲通過，本次 EC2 墨西哥提出建立改善法規之線上能力建構計畫將持續審議，於 EC2 會後休會期間確定是否通過。

#### **(六)強化經濟與法制基礎架構(SELI)**

香港目前擔任 SELI 主席之友協調人，並在 2017 年 2 月 EC1 提出「微中小企業(MSMEs) B2B 線上爭端解決機

制(ODR)工作計畫」，計有澳洲、加拿大、智利、中國大陸、印尼、日本、墨西哥、紐西蘭、巴紐、秘魯、菲律賓、俄羅斯、美國及我方等 14 個會員體擔任 co-sponsor，本次在 EC2 的工作計畫執行重點如下：

#### 1.發表線上爭端解決機制(ODR)之問卷調查結果:

(1)香港律政司資深政府律師(Senior Government Counsel)馮奔奔(Ms. Michelle Fung)說明今(2017)年 4 月請 APEC 企業諮詢委員會(APEC Business Advisory Council, ABAC)會員填寫之線上爭端解決機制問卷調查結果，該問卷係以蒐集業界對 ODR 的初步了解為目的進行提問，以從 5 個會員體中收到之 20 份回覆為樣本進行結果分析，調查結果顯示多數企業都支持將 ODR 運用於小額的爭端解決，並認為對 ODR 的了解不足是使用上的一大障礙，基此，未來應加強對相關利害關係人的知識教育來促進 ODR 的普及。

(2)調查結果亦顯示，相較於 ODR，多數填答者認為發展爭端解決的先行機制更為重要，故未來應拓廣 ODR 的領域，積極運用現代科技來防止爭端的發生。

#### 2.工作計畫討論會議

(1)日本立教大學 Dr. Yoshihisa Hayakawa 指出跨境電子商務因語言及法規而存在障礙，並分享日本仿效歐盟 ECC-Net 排除語言障礙，發展 CCJ-Net 之經驗，降低跨境電子商務中因語言造成之交易成本，此外，亦提及聯合國線上仲裁規則(UN Arbitration Rules)為排除法規障礙所面臨之挑戰。

(2)香港律政司聯合爭端解決辦公室委員 Ms. Ada Chen 以浙江杭州 ODR 法庭為例，說明中國大陸的 ODR 機制、運作程序及成果，並說明歐盟經驗簡介使用程序，指

出跨境爭端解決需要仰賴規範的制定，並利用 RIA 架構，需要對 ODR 進行明確的認定，並簡要說明 ODR 的優缺點。

- (3) 紐西蘭商業、創新及就業部之貿易及法規合作小組總顧問 Ms. Julie Nind 分析 ODR 的優缺點，認為跨境爭端解決需要仰賴規範的制定並善用 RIA 架構，此外，亦需要對 ODR 進行明確的定義。
- (4) 加拿大蒙特婁大學 Dr. Nicholas Vermeys 指出 ODR 實為一替代的爭端解決機制，分享該校 Cyberjustice Laboratory 由 1995 年至今研究 ODR 之計畫及成果，並提出 ODR 應注意科技中立性(technological neutrality) 的概念。Mr. Michael Dennis 從中小企業的觀點出發，說明 ODR 對中小企業的重要性，並強調成立 ODR 平台的重要性。
- (5) 香港提出「將現代科技利用於爭端解決及電子合約管理(特別針對線上爭端解決機制)研討會」之概念文件。
- (6) 結論：將運用區塊鏈等最新科技促進爭端解決及落實電子化契約管理，簽訂智慧契約(smart contract)，不僅解決已發生的爭端，甚至可預防爭端的事件發生。
- (7) 後續工作重點：香港新提案將自費於明(2018)年 EC1 期間舉辦為期 2 天的研討會，該研討會旨在提升會員體對於將現代科技運用於 ODR 的認知，並討論利用區塊鏈、智慧化契約等方式降低爭端，此外，亦將針對「智慧契約」進行會員體之能力建構。美國及加拿大於會中表達意願擔任此概念文件之共同提案人。

## 六、政策討論(Policy Discussions)

- (一) 討論議題：促進經濟證據之運用以增進競爭政策及市場運作

## 成效

1. OECD 競爭委員會主席 Mr. Frédéric Jenny 以「運用經濟證據支持競爭政策」為題，進行本政策討論之背景說明，闡述維持市場競爭之益處與影響，以及競爭法執法範疇，進而說明經濟學在競爭法執法上之應用模式，並比較競爭法採行當然違法及合理原則之差異以及與經濟分析之關係。另分別介紹限制競爭協議、獨占或優勢地位濫用以及與結合相關之經濟分析議題。
2. 澳洲競爭及消費者委員會(Australian Competition and Consumer Commission, ACCC) Mr. Richard York 報告「結合之經濟證據」，藉由說明澳洲競爭及消費者法針對顯著減損市場競爭之事業結合的規範，導引出界定市場及衡量市場力之必要性，並以 Asahi 旗下飲料產品與其他飲品之競爭關係為例，說明市場界定之方法與原則。
3. 日本公平交易委員會(Japan Fair Trade Commission, JFTC) Mr. Yasunori Tabei 報告「日本經濟分析於競爭政策之運用」，介紹 JFTC 從事經濟分析之單位包含：結合審查單位之經濟分析課、經濟分析小組(Economic Analysis Team, EAT) 及競爭政策研究中心(Competition Policy Research Center, CPRC)，並說明成立 CPRC 之背景、目的、成員及業務。另針對 CPRC 今(2017)年成立「數據及競爭政策研究團隊」所公布報告內容，說明多邊市場(multi-sided market)進行市場界定使用之經濟分析方法、研究結論並介紹相關案例。
4. 越南中央經濟管理研究院(Central Institute for Economic Management, CIEM) Mr. Phan Duc Hieu 報告「運用經濟證據支持競爭政策—越南之觀點與經驗」。說明越南競爭法立法之背景，以及 CIEM 對於改善越南競爭法及政策所推動之相關工作，惟因越南競爭法主管機關體制上與技術面

之限制，要在現行競爭法下落實經濟分析於個案上尚有難處。目前越南競爭法正在進行修法工作，修法草案雖有增加關於證據之規範，但對於經濟證據之採行仍相當模糊，盼未來能藉由 APEC 會員體間之合作與經驗分享，建構相關能力。

## (二) 討論議題：內化 OECD 國營事業治理準則

1. 世界銀行集團之國際金融公司(International Finance Corporation, IFC)越南分部 Ms. Nguyen Nguyet Anh 首先提及國營事業在亞洲，特別是中國大陸及越南，在經濟成長扮演重要角色，惟其公司治理目前仍是重要挑戰。爰此，OECD 於 2015 年發布了新一版的國營事業治理準則，做為各國政府在國營事業治理上的政策參考，以期建立一更透明化、更有效率以及可課責的治理制度。相較於 2005 年所公布之前一版本，OECD 2015 年國營事業治理準則增加了三項重要遵循原則：

- (1) 國家扮演的角色應專業化；
- (2) 使國營事業與私營企業有近似的運作效率、透明度及課責性；
- (3) 確保國營事業與私營企業的競爭性。

講者並舉新加坡政府控制國營事業(Government-linked corporation, GLC)為例，新加坡的國營事業在董事會獨立性、管理階層獨立性及風險治理等方面的要求，甚至比非國營事業更為嚴格，而成果也顯現在其國家持有淡馬錫控股公司(Temasek Holdings)的表現上，淡馬錫控股公司所持有的資產市值在過去 20 年間成長了 300%，總投資報酬率是新加坡新興市場指數(MSCI)的 2.5 倍。

2. 日本西村朝日(Nishimura & Asahi)法律事務所合夥人 Mr.

Kojiro Fujii 以日本郵便局改革的過程為例，說明良好的治理與公開透明這兩點是日本郵便公司成功公開發行(IPO)最重要的因素，日本郵便局自 2003 年起朝私有化方向改革，2015 年成功分為郵政控股、郵政銀行及郵政保險三間公司公開發行，而來自資本市場的壓力及指派適格的經理人也使日本郵便公司迅速具備面臨新興商業挑戰的能力。

3. 本會曾前主秘雪如應越南邀請擔任講者，就我國國營事業概況、治理歷程及架構(政府角色、董事會及股東會組織架構、績效評估)、OECD 國營事業治理準則與我方的對應作為，以及優先辦理事項與挑戰等進行說明。

## 七、EC 治理事項

1. 現任 EC 主席紐西蘭 Mr. Rory McLeod 將於今年卸任，新任主席將由加拿大 Mr. Robert Logie 接任；副主席則由中國大陸孫學功先生與菲律賓 Ms. Rosemarie Edillon 續任。我方發言感謝 M 主席多年來在 EC 的付出，M 主席在卸任感言中亦感謝我方在 EC 長久以來的支持與貢獻。
2. 新任 CPLG 正副主席則分別由智利與日本提名 Mr. Sebastian Castro 及 Mr. Kazuo Oya 接任(已於 9 月 5 日獲會員體採認通過)。

## 八、「第 10 屆良好法規實務」研討會 (Workshop on 10<sup>th</sup> Conference on Good Regulatory Practices)

### (一)背景

1. 本案源於 2014 年部長會議聲明，每年舉辦一次 APEC 良好法規實務作業會議，並由 SCSC 及 EC 輪流主辦，以鼓勵會員體提供創新的能力建構方法，落實良好法規實務(GRP)。

2.GRP 之推動目的在自技術法規面掌控管制品質，期透過各會員體採行 GRP 之相關程序，將貿易考量納入法規管制革新，以增加國內技術性法規之改革成效，促進國際標準統合，從而降低因技術法規與標準歧異所致貿易障礙。

## (二)會議目的

本次研討會聚焦討論「通知與公眾評論程序」、「踐行 WTO 國際法規通知義務」等議題，期藉各會員體之經驗分享，鼓勵 GRP 之採行並深化相關程序。

## (三)會議重點：

1.第 1 場次：由 JCA 法規革新顧問公司(Jacobs, Cordova and Associates)分享 2016 年 GRP 之 APEC 研究報告成果並提出後續推動建議：

(1)APEC 應持續支持管制革新之相關工作，並就 GRP 之推動，自建立相關原則落實至深化應用，亦即自 GRP 推進至 GOP(Good Operational Practice)俾逐步改變法規管制文化。

(2)目前相關會員體仍有法規透明度不足之問題，包括法規草案之公眾評論期過短；未使用中央入口網站進行公眾評論程序等，對企業經商投資造成負面影響。

2.第 2 場次：OECD 法規政策部門(OECD Regulatory policy Division)說明國際法規合作之重要性，在於減少因法規歧異與救濟所生之貿易成本。其強調各經濟體於制定相關法規時，應注意相關國際標準，並考量因此產生之影響。另由於 GRP 相關程序，可促進法規透明與國際法規協調，進而發揮支持全球化市場並為國家發展減少成本等效益，爰建議以實踐 GRP 作為趨動法規合作之動力。



3.第 3 場次：由亞洲開發銀行研究所(Asia Development Bank Institute)分享數位科技發展影響女性從事貿易活動之觀察心得，並探討是否可能自法規設計引導相關貿易活動。

4.第 4 場次：法規透明度議題。

(1)美國海關與邊境保護局(United States Customs and Border Protection)分享貿易便捷化協定(TFA)要求之法規透明化義務及美國之法規制定程序。該國於踐行法規草案通知評論程序後，會依據公眾評論結果決定是否修改法規最終版本之內容並延遲法規生效日，以予公眾適當調適期間(通常為 60 日)。

(2)全球貿易便捷化聯盟(Global Alliance for Trade Facilitation)自私部門觀點分享其對貿易便捷化之看法；另表示近期業與越南簽署備忘錄，後續將協助該國引進現代商業進出口海關關稅制度，落實 TFA 義務。

(3)美商優比速國際股份有限公司(UPS)表示因應電子商務發展，促成小型企業發展跨境貿易，惟小型企業與大型企業相較，通常缺乏資源了解相關法規，爰落實 TFA 之法規透明化義務，可便利小型企業降低遵法成本。

5.第 5 場次：法規國際調和議題。

(1)由加拿大財政委員會秘書處轄下管制事務局(Regulatory Affairs Sector at Treasury Board of Canada Secretariat)介紹該國之法規政策與制度如何確保落實 GRP。

➤ 該國以中央組織進行法規監督，確保相關法規草案符合政府政策方向；以內閣指令就法規管理建立聯邦監管政策框架；並由法規專家中心負責訓練 GRP。

➤ 2015 年 OECD 對該國在 GRP 落實利害關係人參與、RIA 及事後評估等面向給予高度評價，顯見其制度已發揮成效。

- (2)JCA 法規革新顧問公司以南韓經驗為例，建議提高 GRP 負責層級，並將改革目標與國內經濟發展目標及國際承諾連結。另整理目前相關會員體推動 GRP 之相關作法，包括由中央監管(如墨、韓、義)，由個別部會執行(如智利)，或由單一部會監管(如紐西蘭)等，俾供其他會員體參考。
- (3)馬來西亞生產合作部門(Malaysia Productivity Corporation)分享該國近來 GRP 推動進程，包括：2005 年至 2010 年透過公私合作改善經商容易度；2011 至 2015 年執行 GRP，發展法規政策、簡化行政程序；2016 年至 2020 年，就 GRP 之執行範圍自中央擴大執行之地方政府，並強化能力建構等。
- 6.第 6 場次：分享如何落實 WTO 要求會員國設置法規查核單位及國際通知義務之規定。
- (1)越南技術貿易障礙(TBT)辦公室報告其履行 TBT 承諾之作法，包括：審查並修改與 TBT 相關的法律文件，指定相關機構實施 TBT 義務，於 2003 年設立「TBT 辦公室」負責對 WTO 之通知義務等。
- (2)美國國家標準與技術研究所(National Institute of Standards and Technology)分享該國國內法規管考策略及如何決定相關法規是否應履行 WTO 通知義務。
- 7.第 7 場次：案例介紹。
- (1)美國國際工商理事會(United States Council for International Business, USCIB)分享該國執行貿易便捷化協定之經驗。表示依該協定第 1 條 1.2 規定，會員原則無須以該國語言以外之語言公布或提供資訊，於非英語

系國家踐行通知義務時，英語系國家仍須經翻譯，方能了解該國法規，致實際可評論期間短於法定評論期。

(2)澳洲標準協會(Standards Australia)分享該國在水及能源議題，分別透過節水標識計畫與節能標識計畫，自標準制定發揮節能效率，並引導消費者之消費行為。

(3)美國國際材料試驗協會標準組織(American Society for Testing and Materials, ASTM)，分享該國鼓勵私部門參與技術標準制定之作法。依美國預算管理局(Office of Management and Budget, OMB)通函 A-119 公告，鼓勵聯邦於標準制定過程進行公私合作，採用共識標準團體所發展之自發性共識標準，調和聯邦與民間機構有關的標準及符合性評估活動，藉此提高相關行業選擇最能滿足其需求之國際標準。迄今約有超過 7,000 個 ASTM 國際標準被納入政府法規；且相關標準廣為 120 多個國家納為國內標準。

8.第 8 場次：探討在標準技術法規處理並考量納入公眾評論程序。

(1)菲律賓食物發展中心分享該國在食安標準技術法規審查過程納入公眾評論程序之策略。

➤該國食品安全法於 2013 年訂定，2015 年實施。其食品標準依食品程序分由農業部(初級生產及採收階段)與健康部(加工和包裝階段)負責。

➤以初級生產為例，農業部下設農漁標準局與食安規管單位共同合作，前者負責建立專家資料庫；後者須組成跨公私部門性質之「技術工作組」負責制定標準與踐行公眾評論程序，於公眾意見難以處理時，由二部門共同合作協同處理。

- (2)相關國際組織包括國際標準組織(ISO)、國際電工委員會(IEC)及美國國家標準協會(ANSI)等，分享其標準制定程序均已納入評論程序，俾便利害關係人或公眾表達意見。
- 9.第 9 場次：法規影響評估(Regulatory Impact Analysis, RIA)。
- (1)OECD 法規政策部門分享 RIA 之實踐與趨勢：
- 應重視公眾評論程序，於 RIA 著重事前分析與事後評估，建立法規監管機關(Regulatory Oversight Bodies)可發揮協調與監督成效。
  - 目前 RIA 普遍面臨之問題包括：RIA 分析為量化或貨幣化、公眾諮詢未整合為單一窗口，未要求公布完整之 RIA 報告。
- (2)美國預算管理局分享 RIA 之分析方法(如成本效益替代方案等)，建議於 RIA 程序及早引進經濟學家協助分析，相關分析應切合法規草案之相關規定，並使用簡單語言與清晰組織表達，俾使公眾易於理解。
- (3)澳洲工業創新暨科學部(Department of Industry, Innovation and Science)分享該國於 2016 年出版之「政策和法規中使用標準和風險評估指南」，法規的一致性可開啟創新及增進生產力的機會。
- 10.第 10 場次：對應危機之法規調適(標準制定組織如何因應危機)。美國預算管理局以飛安事故為例，分享應變作法；洋基通運股份有限公司(DHL International GmbH.)以 2010 年 10 月發生葉門航空包裹炸彈事件為例，介紹美國海關邊境保護局與美國運輸安全管理局聯合與民間業者共同推動航空貨運預先篩選機制等。
- 11.第 11 場次：由美國預算管理局以菸品包裝標示健康危害警示為例，進行 RIA 案例模擬與討論。

## 九、「檢視法規影響評估事後評量燈號方法」研討會 (Workshop on the Traffic Light Score Methodology)

### (一) 背景

鑑於目前 APEC 多數會員體在法規革新之發展上，就法規影響評估(Regulatory Impact Assessment, RIA)之踐行，多聚焦於法規制定、修正階段之事前分析(ex-ante analysis)，強調預估法規實施可能造成之影響及成效，而忽略於實際執行階段進行事後分析(ex-post analysis)，課予法規制定者審視該法規是否符合制定當時預期效益之責任；並據相關分析進行 RIA 實踐程度之事後評估(ex-post RIA)。爰墨西哥擬藉本次研討會介紹事後評量燈號方法(Traffic Light Score Methodology, TLSM)，鼓勵各會員體運用作為事後評估之工具，並期將推動成果分享於後續 EC 相關會議。

### (二) 會議重點

1. 回顧近期相關會員體在事後評估之努力成果：例如南韓於 2014 年推出成本計算方法(Cost-In Cost-Out Approach)並於 2016 年實施；泰國於 2015 年制定落日法，將事後審查納入法定義務；英國設置專責監督機構，成立監管政策委員會(Regulatory Policy Committee)等。
2. 觀察目前相關會員體在事後評估面臨之問題：部分會員體雖自政治高層承諾推動 RIA，卻未必落實於實際執行；亦有企圖以事後評估程序取代 RIA 之事前分析者(以澳洲為例，其於 2011 年有 30 項監管措施藉此免除事前分析)，另分析能力不足為推動事後評估困難之主要原因之一等。
3. 建議推動事後評估之可行做法：包括自始即將事後評估納入 RIA 程序、設置獨立審查機關，於法規預先設定落日條款，制定審查準則、持續發展量化分析工具之應用等。

## 4.簡介 TLSM 工具

### (1)TLSM 之功能及內涵

- 協助法規制定者，於判斷法規影響評估之實踐情形，得根據真實資料進行有根據的評估，而非依據非系統性、無數據之外部評估意見。
- 此評估工具之操作方法，須於事前分析及事後分析二階段，蒐集相關真實資料進行有品質的分析，以便確實檢視法規實際執行結果是否達成其制定當時預期發揮之成效。
- 雖事後分析有多種分析方法可採用(包括成本效益分析、成本效能分析等)，仍建議於事後分析採用之分析方法，應與事前分析採用之分析方法一致，俾便於進行事後評估時，易於檢視比較法規實施前後之落差情形。

### (2)TLSM 評估之操作方法

- 針對問題、法規影響與執行情形三方面分別設定個別細項指標進行評估，並運用交通燈號(紅、黃、綠)給予三張評價卡，賦予不同意涵。
- 細項指標內容
  - A. 問題：法規實施前後之變化、是否具判斷其變化之證據、相關數據與參數之分析。
  - B. 法規影響：風險分析、程序是否簡化之分析、成本效益分析。
  - C. 執行情形：驗證結果、是否採用罰則。

### (3)評價卡代表之意涵

- 交通燈號指示卡(Traffic Light Directive Card, TLDC): 對照法規制定前後情形給予評價(紅燈表示變糟或缺乏證據、黃燈表示未改變、綠燈表示變好)。
- 交通燈號建議卡(Traffic Light Recommendation Card,

TLRC):根據事後 RIA 之評估結果,就各個細項指標提供檢視意見(紅燈表示有嚴重的缺失須調整或廢止,建議停止;黃燈表示仍有改善空間,建議修正;綠燈表示表現良好,建議通過)。

- 交通燈號評量卡(Traffic Light Score Card, TLSC):運用上述二張卡總結計算細項指標所得綠燈數,據以決定其評量結果;評量結果得到4個以下綠燈者為不滿意之 RIA、得到5至6個綠燈者為滿意之 RIA、得到7至8個綠燈者為表現傑出之 RIA。

## 5.TLSM 評估步驟

- (1) 確認現行法規已踐行事前分析。
- (2) 確保事前分析已納入具體目標(有相關統計數據與指標),並就法規制定當時之現況進行評估並設定預期成果。
- (3) 確認進行事後分析所須之相關資料及數據係自法規實施後取得。
- (4) 據上述資料、數據與事後評估之結果填具 TLSC 表格。
- (5) 管制革新是一個反覆的過程,直至監督機關提出最終意見前,均可持續運用 TLSM 之燈號與評價卡方法進行分析,且整個評估過程可能會因事前分析及事後分析所據資料之完整性與是否詳實分析等因素,因而產生不同的評估結果。

## 6.TLSM 的特色

- (1) 運用交通燈號特色之評估法,係為使制定法規者或有興趣了解法規事後評估情形之大眾,可以簡單易懂之方式了解評估方式及結果,避免使用專業術語。
- (2) TLSM 是一質化分析之評估工具,其制度設計建立在進行事前分析及事後分析時相關數據及資料之正確性與

完整性。故若缺乏相關數據，將難以正確比較分析法規實施前後之差異，並忠實反映事後評估之品質。

### (三)會議討論情形

本研討會，分為下列九場次進行：

1. 第1場次：由墨西哥聯邦法規革新委員會(La Comision Federal de Mejora Regulatoria, COFEMER)代表說明 TLSM 計畫框架，包括研討會主要目標，規劃活動及預期成果。
2. 第2場次：由墨西哥經濟研究與教學中心專家簡介事後評估之方法論。
3. 第3場次：由世界銀行專家分享展望事後評估及其監管挑戰，建議於 RIA 納入事後評估機制，俾完整法規治理週期。
4. 第4場次：由 OECD 管制政策部門(Regulatory Policy Division)專家分享踐行事後評估之相關經驗(說明為何有必要開始討論事後評估必要性之原因，討論執行事後評估之經驗及執行時所遇困難)。
5. 第5場次：由墨西哥 COFEMER 代表簡介 TLSM 之操作步驟。
6. 第6場次：由墨西哥代表分享該國在其交通法規(針對聯邦管轄道路與橋樑行駛車輛之規格管制)落實法規治理週期，踐行完整 RIA，包括事前分析、事後分析並使用 TLSM 進行事後評估之案例。為確保法規治理品質，墨西哥 COFEMER 於 2012 年 11 月 28 日公告實施事後評估協議，該協議賦予 COFEMER 得要求各部會及其所屬機關，就其發布之技術性標準時踐行事後評估。本案例即為其一適用案例，據上述協議，主管機關被要求於技術標準實施後一年，提交事後評估分析結果。
7. 第7場次：進行分組討論，由墨西哥 COFEMER 提供模擬



案例，並派員至各組協助操作 TLSM 工具。

8. 第 8 場次：分享分組討論心得。

9. 第 9 場次：由墨西哥代表說明 TLSM 計畫後續推動方向。

#### (四) 會議結論

墨西哥針對 TLSM 之後續規劃，包括：

1. 製作本次研討會報告。
2. 製作 TLSM 操作手冊。
3. 持續追蹤各會員體就其法規運用 TLSM 方法之情形作成案例報告供各會員體參考。
4. 最終於 2018 年 9 月提出本計畫之總結報告。

### 十、 「探求 APEC/OECD 未來在良好法規實務合作方案」研討會 (Workshop on Exploring options for future APEC-OECD cooperation on GRP)

#### (一) 背景說明

1. APEC-OECD 自 2002 年起共同發展出「APEC-OECD 法制革新整合式查核清單」(APEC-OECD Integrated Checklist on Regulatory Reform)，並於 2005 年獲得 APEC 領袖會議及 OECD 理事會之確認。此一查核清單提供各會員體做為自我評估的政策工具，其中結合了 APEC 及 OECD 之基本原則，整合競爭、市場開放及法規管制品質，並且強調透明化、諮詢及責任明確歸屬等好的治理目標。
2. 由於 OECD 在 2005 年之後將國際法規合作(IRC)納入良好法規實務之一環，APEC 經濟委員會(EC)針對國際法規合作亦已召開過 2 次研討會，APEC 會員體對良好法規實務也有相當程度的參與及討論，故召開此次研討會，期望在原本 2005 年版的 Checklist 基礎上增加新元素，帶動 APEC 與

OECD 在 GRP 議題上更進一步的合作。

## (二) 會議重點

本次會議由紐西蘭主辦，共分為三場分組，重點概述如下：

1. 第一場由 OECD 法規政策部門(Regulatory Policy Division)代表介紹使用法制革新檢核表(Checklist on Regulatory Reform)協助 OECD 會員進行自我檢核的概況，並由韓國政府政策協調辦公室(Office for Government Policy Coordination)政策顧問及秘魯財經部(Ministry of Economic and Finance)代表說明接受該檢核表進行國內法規政策之心得。
2. 第二場分組由 OECD 法規政策部門代表介紹該檢核表迄今之發展，提到法規影響評估(RIA)以從事前檢核擴大到事後檢討，另由我國法協中心、馬來西亞生產力公司(Malaysian Productivity Corporation)及紐西蘭商業創新與就業部分享國內良好法規實務的進展。我國說明近年來我方在法規預告 60 天及公眾諮詢(Public Consultation, PC)網站-join 平臺；馬來西亞分享近年來與 APEC 合作就 RIA 及 PC 舉行國際研討會，並編印 GRP 相關手冊供行政部門參用；紐西蘭則分享將法規視為資產而非成本，並以此概念編纂相關手冊供行政部門實行。
3. 第三場分組則是意見交流，由美國預算管理局資訊政策分部(Information Policy Branch)代表 Mr. Alex Hunt 主持。紐西蘭一開始設定的討論主軸為包容性成長(Inclusive growth)、服務業及國際法規合作(IRC)，美國認為應強化同儕檢視(peer review)的工作，韓國認為有關 IRC 的討論涉及政策層面，非單純的技術性課題，需要各會員體國內高層的支持方能落實；巴紐代表認為應將數位經濟(Digital

Economy)法制納入檢核表；馬來西亞認為 Checklist 有好的理想目標，但需要更詳細的細節以具體落實；菲律賓代表認為應設法將邊緣/弱的利害關係人(margin group)意見納入公眾諮詢的範圍以實踐包容性成長；OECD 代表提醒國內應建立資料庫，有一定的證據基礎才能做好 RIA 相關工作。

### (三) 會議期間與其他會員或 APEC 秘書處互動交流情形

1. 印尼代表於會中詢問我方(國發會法協中心)如何落實法制革新的工作，我方代表回答藉由與私部門(如外國商會)合作，安排拜訪政府高層或召開跨部會議題會議，由商會介紹其他國家的良好實務，進而促進我方法制革新，例如預告期延長 60 天就是美國商會拜訪院長後所促成的成果。
2. 菲律賓詢問 join 平臺是否有英文網頁，外國人如何上網表示意見，我方代表說明由於本中心與商會保持密切互動，由商會針對會員需要(如翻譯)提供協助；另菲律賓表示他們國內現階段沒有類似本中心角色的單位，希望未來也能成立俾利進行跨部會協調。

## 十一、「簡化商業登記與公司組建」研討會(Workshop on Simplified Business Registration and Incorporation for APEC)

### (一) 背景

2015 年 APEC 領袖通過第 2 期經商便利行動計畫(Second APEC EoDB Action Plan)，以更深入探討原 5 大領域改革癥結，進一步推動於 2018 年前降低時間、成本及程序達 10%之改善目標。在開辦企業此一優先領域，世界銀行等國際組織發現，具備現代化商業登記及公司設立制度

可使經濟成長快速、提高生產力、創造就業機會，及吸引更多的外資直接投資。

## (二) 會議目的

使 APEC 各會員體瞭解世界銀行等國際機構在簡化商業登記及公司設立所規範的最佳做法、分享各會員體在商業登記和公司設立制度的改革經驗，尤其是降低對微中小型企業的監管障礙。同時協助各會員體進一步改善其經商環境，特別是在開辦企業此一優先領域。

## (三) 會議重點

首先美國國際開發署(USAID) Mr. Nick Klissa 及美國亞太技術協助促進區域整合(US-ATAARI) Mr. Mark Walter 簡介「簡化商業及公司登記」如何符合 APEC 整體「經商便利度」(EoDB)策略。Mr. Nick Klissa 建議在推動簡化商業及公司登記制度時，並應思考將微中小型企業是否受益，以及最適商業組織型態等議題，為提升創業精神，法律應允許設立不同的商業型態。本次會議共分下列 4 個場次進行：

### 1. 第 1 場次：國際最佳實踐

(1) 世銀經商便利工作小組分析師 Ms. Nadia Novik：說明開辦企業指標之方法論及改革成果。其成果包括 2005 年開辦企業天數少於 20 天約有 41 個經濟體，至 2016 年已有 131 個經濟體；另研究結果顯示表現最佳的 10 個經濟體，其登記制度的共同特點包括採取線上登記、無最低資本額限制、建置及持續改善一站式登記、標準化登記表單、法院不介入、固定登記費、登記制度不因性別而有差異等。

(2) 美國國務院律師顧問 Mr. Mike Dennis：以微中小企業 (MSMEs) 的登記為主軸。說明各經濟體微中小企業家數比例可達 95%。但依聯合國統計，發展中經濟體有 90% 的微中小

企業以非正式型態經營。傳統登記制度無法符合所有的商業模式，對微中小型企業而言，其登記時間及登記費過高、過度的管制提高法遵成本，及創業者面臨過重的個人責任風險，因此必須簡化商業之設立、登記及營運的要求，重點如下：

- 簡化公司設立的要求：包括完全的有限責任、允許 1 人或多人創設、公司形成的契約自由、無最低資本額限制、一般目的條款的使用、中介人(如律師、公證人)使用的自主選擇。
- 簡化公司登記的要求：包括簡化商業登記、承認未公司註冊的商業型態之事實地位。
- 簡化公司營運的要求：包括彈性的組織架構、財政透明化及簡單會計制度、股東協議執行的彈性手段。

(3) 哥倫比亞公司監管機關 Mr. Francisco Reyes：簡介美洲國家組織(OAS)制定「簡易公司模範法」(下稱模範法)(Model Law on the Simplified Corporation)，其特點包括簡化的設立程序，無須公證、無最低資本額要求、1 人或多人組成、完全的有限責任、設立及營運的契約自由、內部架構彈性化、保護機制(包括權利濫用的救濟、揭穿公司面紗、影子董事責任)、爭端解決機制及簡易重建程序(如合併)。

(4) 聯合國貿易法委員會法律官員 Mr. Jae Sung Lee：簡介聯合國貿易法委員會刻正進行中，針對微中小型企業的立法工作，主要目的係為減少 MSMEs 在其整個生命週期中遭遇的法律障礙，其內容設定包括採用具體的法律標準、改革及簡化註冊程序、提供靈活的簡單的商業型態，使 MSMEs 在法律規範下容易運作。預計在 2017 年完成立法工作，2018 年採行。2017 年 10 月將於維也納召開工作小組會議。

(5) 愛沙尼亞登記及資訊系統中心/聯合國貿易暨發展會議顧問 Mr. Ingmar Vali：說明最佳「一站式」(one-stop shop)服

務，必須達到最少的步驟、最少的(文件資料)要求、整合付費、取得許可。同時說明在政府部門將此「一站式」理念結合電子登記(eRegistrations)所應採取之策略，並輔以愛沙尼亞電子化政府之線上申請登記程序(實際網站操作)作為範例。

- (6) 美國國務院資深投資政策顧問 Mr. Ari Sulby：說明商業登記對投資者的影響，商業登記為經濟運作重要部分，對各種經濟夥伴均有利，簡便迅速的建立事業意味著更活躍的運作與更好的租稅負擔，因此美國積極參與國際組織推動商業登記。簡化商業登記、線上登記程序為建立友善投資環境的重要因素，此已獲得 G20 及 OECD 等經濟組織肯認，美國、世界銀行在其投資政策架構及 G20 的全球投資原則均就此有所討論。

## 2. 第 2 場次

美國亞太技術協助-促進區域整合(US-ATAARI)專案顧問 Mr. John Bush：針對目前 APEC 就簡化商業及公司登記之國際最佳實踐(international best practices)情形所採之方法論，報告(研究)結構及初步之研究成果說明：本研究針對最佳實踐相關指標進行調查，並區分為設立、登記及營運等 3 部分，其結果包括：

- (1) 在設立部分，例如所有會員體均提供有限責任型態，多數允許 1 人組成型態，僅 1 會員體仍保留最低資本額限制等。
- (2) 在登記部分，例如多數會員體採簡單登記表格，並在一站式登記進行改善，且已強化登記資訊的取得(部分可線上取得)等。
- (3) 在營運方面，各會員體在公司營運的要求有所不同，例如年會要求，董事人數要求，及董事會或年會正式會議記錄

的必要性等。

本報告初稿將透過經濟委員會送交各會員體，為利報告更為準確，請各會員體提供修正意見。美國將審視整份報告，後續或將與 1 或 2 個發展中會員體合作，提供改革所需的技術協助。

### 3. 第 3 場次：案例研究

- (1) 墨西哥經濟部商業管理部門主任 Ms. Elsa Ayala：說明該國所採之「簡易(股份)有限公司」(Sociedad por Acciones Simplificada/Simplified (Stock) Corporation, SAS)作為簡化公司登記最佳實踐型態及其法律特徵。
- (2) 墨西哥大部分的商業是微中小型企業，因此引進簡易公司制度，改革的重點在於建立電子化登記。另亦無最低資本額限制、開放一般目的條款、允許 1 人或多人創設。因每股價格相同，故每股(表決)權利亦相同。另一項重大改變為無須公證。使用一站式平台登記創設微中小型企業，可採用制式的法律契約，申請人僅須填列一般資訊、在此平台亦可申請稅籍及社會安全號碼、此平台的相關資訊可與其他主管機關共用。會中並就其一站式平台進行實際操作。
- (3) 哥倫比亞公司監管機關主管 Mr. Francisco Reyes：哥倫比亞 2008 年引入簡易公司制度，重新定義傳統公司法的基本概念。2009 年及 2010 年簡易公司家數持續增加。簡易公司家數占公司登記家數比例亦逐年遞增，至 2016 年已達 98%。此外，由女性登記的簡易公司比例由 2007 年的 24% 增加至 2016 年的 40%，顯見簡易公司制度有利於女性創業。同時介紹該國的電子化登記制度；及為提升該國司法效率，2015 年設立專業公司法法庭。哥倫比亞 SAS

實施近 10 年之經驗認為，其彈性有利於創業者，同時降低不平等的性別鴻溝。

(4) 美國田納西州州務卿辦公室 Mr. Nathan Burton：就該州之「有限責任公司」(LLC)模式為例，闡明該州如何進行簡化商業及公司設立。

- 「田納西有限責任公司法」於 1995 年 6 月 6 日生效，在當時為新的概念；2006 年起施行「田納西州修訂有限責任公司法」，修正後的 LLC 法案更為現代化，並簡化對 LLC 之管理。
- LLC 在簡化公司設立部分：提供個人保護免於一般責任的責任優勢、享有特定租稅優惠。可由 1 人或多人組成；「人」的定義包括個人和幾乎任何形式的商業或法律實體。賦予 LLC 成員在其經營協議中規範個人貢獻、權利、利潤和損失分配的契約自由。無最低資本額限制、允許一般目的條款的使用、未要求設立公司須使用中介人、可以是會員管理，經理管理或董事管理、以經營協議規範 LLC 成員的權利和義務，但法律未要求經營協議、允許所有業務損失，利潤和費用透過有限責任公司流向個人成員，避免必須支付公司特許經營和消費稅及個人所得稅的「雙重課稅」。就股東協議執行的彈性手段，LLC 並無股東而係「成員」，其經營協議可由法院以強制令執行，或經由法院指定的其他公平合理的方式救濟。

#### 4. 第 4 場次：案例研究

(1) 美國田納西州州務卿辦公室 Mr. Nathan Burton：說明田納西州政府官方網站上申請公司登記之步驟，並實際操作。

(2) 首先介紹田納西州的地理、政府組織及商業統計。

(3) 透過公司登記網站上 step-by-step 的指示，有下列步驟：

- 選定公司名稱：可預做公司名稱查詢。



- 選定商業的法律型態：包括獨資事業、一般合夥、有限合夥、有限責任合夥、有限責任公司 LLC 及公司等 6 種型態；登記網站上有各類型態的特點說明，以利申請人選擇。
- 確定所營運的商業之納稅義務。
- 是否僱用員工：如僱用員工，須完成田納西州勞動和勞動力發展部(LWFD)報告，以確定雇主編號的狀態和申請。此並涉及是否負擔失業保險。
- 選定的商業須向其他部門或機關取得許可。
- 最後並提供登記完成後，公司營運所需相關協助之政府部門資訊連結。

(4) 巴布亞紐幾內亞(下稱巴紐)投資促進主管機關 Mr. Malis Minin：分享該國商業、公司登記之情形及有關線上申請作業之評估。

- 巴紐位於澳大利亞北部；80%以上是自給自足的農民。由於文盲人口、缺乏對公司經營管理的知識、有限的通訊方式及媒體等因素，人民及中小企業對公司登記營運資訊瞭解並不多。
- 巴紐商業登記主要依據商業名稱法(Business names Act 2014：BNA)及公司法(Companies Act 1997)。依商業名稱法登記效力僅限於商業交易的名稱，故僅商業名稱的所有人(不論個人或實體)須於其商業行為負責、BNA 註冊的特點為商業名稱無法律地位。依公司法註冊的有限責任公司可 1 人或多人創建。巴紐於 2013 年在亞洲開發銀行的協助下成功推出線上公司登記，線上亦可供民眾查閱公司登記資料。但因缺乏知識和網路不發達，目前僅大企業使用，多數人民尚未認同線上註冊的好處。

(5) 愛沙尼亞登記及資訊系統中心/聯合國貿易暨發展會議顧問 Mr. Ingmar Vali：針對眾所矚目之愛沙尼亞電子化政府、電子(網路憑證)申請商業及公司登記之模式為進一步說明，並實際展示該國商業及公司登記資料公示網站採取「視覺化」(visualized)模式之使用情形。

(四) 會議期間與其他會員或 APEC 秘書處互動交流情形

因愛沙尼亞有關電子化政府及 e 化商業/公司登記之機制均為目前各國相關研究所重視，爰我方(國發會法協中心及經濟部商業司)即於中餐時間向 Mr. Ingmar Vali 請教有關該國於進行各項電子化作業時，所涉及之資訊安全及個人資料保護措施為何，並向其介紹我國目前亦有公司登記「一站式」網站及紙本申請登記之雙軌模式可供民眾選擇，並歡迎 Mr. Ingmar Vali 未來能至我國進行經驗交流及分享。

## ■ 第三次資深官員會議(SOM3)相關會議

### 一、APEC 資深官員對話—區域貿易協定/自由貿易協定(APEC SOM Dialogue on RTAs/FTAs)

#### (一)會議目的與討論議題

本會議為 APEC 就 RTAs/FTAs 的資訊分享機制之一，自 2015 年起已連續 3 年辦理資深官員對話，此可促進資訊透明化，將有助於找出實現 FTAAP 的可能途徑。討論議題包含：

1. APEC 政策支援小組(PSU)就 2016 年度 APEC 會員體 RTAs/FTAs 趨勢發展進行報告；APEC 貿易暨投資委員會(CTI)簡報 2017 年 5 月於越南河內舉行之「貿易政策對話—RTAs/FTAs 之超越 WTO(WTO+)規範」會議成果。
2. 探討 RTAs/FTAs 的服務貿易與投資、利害關係人參與、影響評估等議題，以及 APEC 未來將聚焦的延續性工作。

#### (二)重點摘要

##### 1. 服務貿易與投資議題

- (1) 在服務貿易方面，澳洲資深官員 Mr. Simon Newnham 表示，該國偏好以採負面表列(negative list)方式處理經貿協定之市場開放承諾；舉澳韓 FTA 為例，其電信服務、金融服務、相互認許等章節，均屬符合 WTO+元素的貿易規範。在投資方面，聯合國亞洲及太平洋經濟社會委員會(ESCAP)代表 Dr. Mia Mikic 指出，近 20 年來國際投資協定(IAs)數量成長快速，內容亦漸涵蓋複雜且重要的下世代議題，爰 IAs 規範及參與國之國內規章制定，應具更強的包容性，在賦予協議參與各方一定程度彈性及自主權的基礎

上，實現相對合理的目標。

(2) 美國資訊科技產業協會 (ITI) 代表 Mr. Jonathan Kallmer 提出「數位貿易便捷化架構」的概念，呼籲 APEC 會員體以堆積木方式進行合作，包含：建構自由且開放的網路、普及網路的取得(internet access)，並培養數位技能與素養；允許跨境資料自由流通、移除數位產品與服務的市場進入障礙，以及禁止強制資料在地化與禁止強制技術移轉；參與 APEC 跨境隱私規則體系(CBPRs)、制定強而有力且兼顧利益衡平的著作權規範、推動數位貿易之網路安全合作、避免當地化要求對線上服務構成貿易障礙，以及確保對線上服務中介機構責任(intermediary liability)採行保護政策等。

## 2. 利害關係人參與議題

(1) 紐西蘭 APEC 資深官員 Ms. Alison Mann 說明，該國在 RTAs/FTAs 談判的各階段，均主動揭露必要資訊，並透過各種管道加強國內溝通與意見徵詢，例如，辦理宣導活動、定期與業界代表面對面溝通、製作政策說帖等。另馬來西亞 APEC 資深官員 Ms. Che Mazni Che Wook 分享該國在 TPP 談判過程，如何與利害關係人(媒體、國會黨團、非營利組織，學界、智庫、業界、地方政府)溝通；渠認為 RTAs/FTAs 談判範疇擴大且議題漸趨複雜，在公民意識覺醒、科技進步造成錯誤訊息傳遞加速、協定承諾涵蓋公眾參與及透明化條款的趨勢下，各國應考量納入更多溝通對象，並採取更多元的因應作法。

(2) 越南工商總會 (Vietnam Chamber of Commerce and

Industry, VCCI)代表 Ms. Nguyen Thi Thu Trang 表示，該國業界在 RTAs/FTAs 談判過程可對談判議題表示意見，惟因協定內容複雜、談判過程保密、對談判議題不夠瞭解等因素，實質參與成效有限。渠盼政府能就談判期程、談判進展及核心議題討論情形揭露更多資訊，並協助業者進行能力建構(瞭解議題內涵、衝擊影響分析、強化正反論證能力等)；在協定生效執行階段，則盼政府能協助業者因應貿易自由化所帶來的衝擊。

### 3. 影響評估議題

(1)日本政策研究大學院大學(GRIPS)教授 Dr. Kenichi Kawasaki 從經濟層面探討 RTAs/FTAs 影響評估議題，提出下列觀點：①東亞國家所簽署之 RTAs/FTAs 的關稅減讓程度不夠高，而 RCEP 關稅減讓可帶來的利益，視市場開放程度是否超越現行 RTAs/FTAs 而定；②TPP 在美國退出之後，仍將為會員國帶來很大的經濟利益，且在實現 FTAAP 的路徑方面，TPP 與 RCEP 係互補而非競爭關係；③各國國內結構改革政策為其經濟成長帶來的貢獻，將高於 FTAAP 其他夥伴所提出的倡議，而結構改革措施在中長期將為經濟帶來永續成長。

(2)智利 APEC 資深官員 Ms. Marcela Otero 說明對外洽簽 RTAs/FTAs 對智利經濟帶來的正面影響。渠表示，智利是世界上經貿自由化程度最高的國家之一，已與南方共同市場、中南美國家、美國、歐盟、歐洲自由貿易協會、韓國、中國大陸、巴拿馬、印度及日本等 64 國簽署 26 個貿易相關協定；智利農、林、漁、礦

產品及各類製造品外銷各國市場時，大多數可獲免關稅優惠待遇，此為投資廠商創造良好之國際競爭條件，並對該國經濟與貿易成長帶來顯著的貢獻。

#### 4. APEC 的延續性工作

(1)與會人員探討 APEC 在 RTAs/FTAs 議題的延續性工作，包含 2016 年「FTAAP 利馬宣言」工作計畫的制訂與執行，以及 APEC 各委員會/次級論壇如何將 RTAs/FTAs 相關工作及活動成果持續推展，尤著重於能力建構，以及深化區域經濟整合等議題。

(2)美國 C&M International 執行長(前美國 USTR 副貿易代表) Mr. Robert Holleyman 鼓勵 APEC 會員體透過公、私部門協力，持續推動數位經濟發展(例如，加強在 CBPRs 的合作)、削減非關稅措施、法規合作與調和等面向合作。另日本 ABAC 代表 Mr. Matt Takahashi 說明 2017 年「ABAC 實現 FTAAP 工作計畫」，主要包含：①持續鼓勵各主要途徑的簽署/完成，確保 FTAAP 高品質原則與回應下世代貿易與投資議題；②就「FTAAP 利馬領袖宣言」確認 ABAC 能進一步貢獻的議題；③重視多邊貿易協定對各會員體與亞太區域所帶來的利益。

## 二、促進經濟、金融與社會包容研討會(Symposium on Advancing Economic, Financial and Social Inclusion in APEC)

### (一)會議緣起與目的

1. 推動亞太區域經濟包容性成長，為 2010 年 APEC 領袖會議採認「APEC 成長策略」的五大面向之一；2016 年 APEC 領袖宣言呼籲「對女性、年長者、青少年與鄉村

社區，以及處於劣勢或弱勢之族群，例如，原住民與身障者，提供有效的經濟、金融與社會包容措施」。

2. APEC 會員體為共同制訂「促進 APEC 區域經濟、金融與社會包容之行動議程」，爰召開此次研討會，邀集國際智庫、APEC 會員體政府官員與企業人士等進行經驗分享與意見交流，會議成果將做為行動議程內容研訂之參考。

## (二)討論議題

1. 探討對於 APEC 區域之經濟、金融與社會包容性可能造成影響的全球/區域發展潮流，以及 APEC 包容性現況之理想與現實的差距。
2. 討論如何於 APEC 區域達致經濟、金融與社會包容成長，包含：確立主要行動領域與設定行動目標及時程、協調運用 APEC 各次級論壇推展行動方案，以及將 APEC 在促進經濟、金融與社會包容的作為發展成為國際典範等。

## (三)重點摘要

### 1. 經濟包容性議題

(1) 主要由 OECD 政策顧問 Ms. Donna-Jean Nicholson 介紹該組織的包容性成長架構(OECD Going for Growth)，其在教育、勞動參與、政策合作等面向的政策建議<sup>2</sup>，可為 APEC 強化經濟包容性成長的借鏡。另東協暨東亞經濟研究院(ERIA)資深經濟學家 Mr. Ponciano Intal, Jr. 分享「東協共同體 2025 願景」，指

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<sup>2</sup>相關政策建議包含：教育資源公平解合理分配、擴大與改善技職教育訓練、簡化許可與證照發給的行政程序、促進產學研發合作、降低專業服務的進入障礙、解決基礎建設的瓶頸、擴大稅基及減少稅務支出、促進性別平等、降低低技能勞動者的稅楔，以及增加「積極就業政策」(activation policy)支出並改善其效率等。

出區域經濟整合為東協共同體的重要支柱，而成功的東協經濟共同體(AEC)需立基於健全的東協社會文化共同體(ASCC)、東協連結整體計畫(MPAC)及東協政治安全共同體(APSC)。

(2)在各國經驗分享方面，日本近年面臨人口老化與少子化問題，嚴重衝擊其經濟成長，為提高生育率並避免青壯人口因家庭照顧問題而離開勞動市場，日本近年致力建構有利兒少養育、老年照護的友善工作職場。此外，與會者亦討論推動結構改革、發展中小企業及金融科技等議題，均為促進經濟包容性成長的重要策略。

## 2. 金融包容性議題

(1)金融包容性係指個人與企業可依需求(交易、付款、儲蓄、借貸及保險等)取得有用且可負擔的金融服務，強調金融普及性，討論議題包含：資本取得(融資)、多元性的金融服務、金融素養培力、投資保護與教育等。

(2)世界銀行(WB)駐越南區首席金融專家 Mr. Alwaleed Alatabani 指出，部分 APEC 國家金融包容性仍有很大改善空間，建議可透過制定國家整體金融包容策略，並為相關利害關係人建立完善的協調機制，以促進金融包容性發展(成功例子為墨西哥、馬來西亞及印尼)。另渠強調發展數位支付的重要性，透過建立數位支付的傳導生態體系，並將政府對個人支付系統電子化，將有助於達致 WB 「全球金融普及倡議 2020」(Universal Financial Access 2020)的目標；此外，應維持銀行體系健康發展，以確保銀行可為個人與企業提供多元性的金融服務。



### 3. 社會包容性議題

(1)聯合國資本發展基金(UNCDF)代表 Mr. Paul Martin 說明，社會包容性是社會對抗貧窮與社會排除(social exclusion)的過程，確保弱勢族群獲得機會及必要資源，得以完全參與經濟、社會、政治、文化層面的活動。此外，破壞式的創新科技可改變個人生活、商業型態與世界經濟模式(例如：行動網路與個人金融、物聯網與 APP 學習、雲端科技與大數據、再生能源與環境保護等)，APEC 應致力發展數位經濟，並運用區域連結、政策網絡，以建構社會包容的生態體系。

(2)澳洲昆士蘭大學教授 Ms. Charmine Hartel 指出，政府制定社會包容性發展政策時，應避免囿於特定最佳案例(Best Practices)的框架，或僅制定一體適用(one-size-fits all)的通則，較好的做法是與在地之相關利害關係人共通建立最佳原則(Best Principles)。此外，團體文化將形塑其成員的定位與行動準則，因此建立有益於包容性的團體文化氛圍相當重要，如能發展並維持正向的社會工作環境，將可保持社會人力資源的彈性與適應力。

### 4. 促進經濟、金融與社會包容的下一步做法

(1)紐西蘭 APEC 資深官員 Ms. Alison Mann 對促進包容性行動方案提出建議，包含：促進貿易與服務自由化，以創造經濟成長與就業機會；透過再訓練與終身學習，培養可因應未來發展的技能；發展創新與數位經濟；運用結構改革來打破經濟、金融與社會參與的障礙；強化區域內之基礎建設、人際網絡、制度機構及供應鏈連結等。另 OECD 政策顧問 Ms. Donna-Jean Nicholson 指出，為有效運用資源，應建立機制來衡

量政策措施的可行性。

- (2) APEC 企業諮詢委員會(ABAC)代表 Mr. Antonio Basilio 主張力行結構改革，並擴大提供普及性金融服務、發展可因應數位時代需求的人力資源，尤其需培養具應變能力且國際化的中小企業(措施包含：運用數位經濟與電子商務平台協助中小企業國際化、強化中小企業與大型企業的鏈結、扶植創新商業模式、擴大中小企業資本取得、促進女性經濟賦權、提升網路與數位的連結性等)。

## 參、心得建議與後續應辦事項

### 一、觀察與建議

(一) APEC 為我國實質參與之最重要國際組織之一，在 EC 場域，我方一向積極參與，除扮演重要議題主導者之角色，亦藉場邊交流與各會員體代表、各主席之友協調人及 EC 正副主席建立良好關係，提高合作與互惠機會。我方本次為第一個提交 EC 年度重要工作—APEC 經濟政策報告(AEPR)之個別經濟體報告(IER)的會員體，獲主導撰擬核心小組的加拿大代表稱讚我方報告內容精實豐富，詢問我方可否將報告提供其他會員體做為撰擬參考範例，其後該代表並獲提名通過擔任下一屆 EC 主席，可望為我方後續在 EC 之參與預先創造良好鏈結。爰建議我方參加 APEC 之各項工作，即便是例行的報告、問卷繳交，亦應本積極、認真態度，與主辦會員體合作，培植國際友我力量。

(二) 本次 EC 會議由澳洲推薦民間顧問公司報告「數位國家—促進投資與成長的政策槓桿」研究，以往數位經濟議題較集中於貿易暨投資委員會(CTI)及其次級論壇如電子商務指導小組(ECSG)，以及 2016 年新設立之資深官員層級—網路經濟特別指導小組(AHSGIE)討論，此為 EC 首次在議程中納入數位經濟議題，考量我國目前積極與亞洲各國建立密切的數位經濟合作關係，且刻正推行之「數位國家創新經濟發展方案」、「前瞻基礎建設計畫」及「5+2 產業創新計畫」皆與數位經濟議題相關，建議我方觀察數位經濟議題在 EC 發展情形，適時結合我國政策，與各會員體分享，除在 EC 討論做出貢獻，並可利用 APEC 平台創造實質合作機會。

## 二、後續應辦事項

近年來，EC 會議討論課題涵蓋之範疇日益龐雜，我方本積極態度參與，相關貢獻甚獲 APEC 各會員體的支持與肯定。

EC2 後續我方應辦事項如次：

- (一) 結構改革(RAASR)：我方(國發會綜合規劃處)將配合 PSU 規劃時程，繳交我方 RAASR 期中盤點成果。
- (二) APEC 經濟政策報告：加拿大就 2017 AEPR 未來工作事項規劃將連同 AEPR 提交總結資深官員會議採認，我方(國發會綜合規劃處)擬視本案通過後，研議我方支持 2017 AEPR 之後續工作方式。
- (三) 公部門治理(PSG)：配合本次會議決定，我方(國發會社會發展處)擬視議題規劃，會同相關單位續就 2018 年 EC1 泰國與俄羅斯分別主持的政策討論會中分享有關經驗及參與政策討論事宜進行準備。
- (四) 強化經濟與法制基礎建設(SELI)：有關 SELI 小組針對 ODR 以及美國針對獲得信貸將於 2018 年舉行研討會一案，因均涉及相關能力建構事宜，並徵詢會員體是否同意參加先期計畫(pilot plan)或實地診斷(diagnose)，我方(國發會法協中心)將進一步洽國內業務主管機關(如法務部及金管會)日後參與相關實質討論之意見。
- (五) 經商便利度(EoDB)：美國擔任 EoDB 主席之友協調人，積極主導 EoDB 相關議題發展，並將於 2018 年 EC1 舉辦有關獲得信貸之研討會，我方(國發會法協中心)擬與會蒐集資訊，強化我方與美國互動及增加潛在合作機會。
- (六) 法制革新(RR)：法制革新主席之友墨西哥已設定未來重點工作領域，刻調查各會員體在該等工作領域之進展，我方(國發會法協中心)已回復調查問卷，後續將視墨西哥規劃，

積極參與相關活動，適時與其他會員體分享我方執行法規影響評估或提升法規透明度成果。



## 肆、附件





附件一：2017 年 EC2 會議議程(文件編號：2017/SOM3/EC/001rev1)



**Asia-Pacific  
Economic Cooperation**

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**2017/SOM3/EC/001rev1**

Agenda Item: 3

## **Adopted Agenda**

Purpose: Information  
Submitted by: EC Chair



**Second Economic Committee Meeting  
Ho Chi Minh City, Viet Nam  
25-26 August 2017**

APEC Economic Committee - Second Plenary Meeting 2017

25-26 August 2017, Ho Chi Minh City, Viet Nam

*Key Objectives of EC2 Plenary*

- Consider draft 2017 AEPR on Structural Reform and Human Capital Development
- Consider outcome of OECD-CPLG work on Competition Assessment
- Consider preparation for 2018 High-Level Structural Reform Officials' Meeting
- Consider future APEC-OECD work on Good Regulatory Practices

Day 1

1. Friends of the Chair (FOTC) Group Meetings
  - a. 0800- 0900 – Strengthening Economic and Legal Infrastructure (SELI; Hong Kong, China)
  - b. 0900- 0930 – Ease of Doing Business (EoDB, United States) and Corporate Law and Governance (CLG, Viet Nam)
  - c. 0930- 1000 – Regulatory Reform (RR, Mexico) and Public Sector Governance (PSG, Thailand)

*Coffee break 1000 – 1015*

*Plenary commences at 1015*

2. Chair's Welcome and Opening Remarks (5 minutes)
3. Adoption of the EC 2 2017 Plenary Agenda (5 minutes)
4. Advancing EC Objectives - CPLG and FOTC Contributions, including updates from relevant events held prior to EC Plenary (60 minutes):
  - a. Competition Policy and Law Group – Peru
    - i. OECD – APEC work on Competition Assessment (OECD/CPLG/VN)
  - b. SELI – Hong Kong, China
  - c. EODB – United States
  - d. CLG – Viet Nam
  - e. RR – Mexico
    - i. Survey of Members
  - f. PSG – Thailand
5. Regional Economic Outlook – Chaired by EC Chair (45 minutes)
  - a. Presentation by Dr Eduardo Pedrosa, Secretary General, Pacific Economic Cooperation Council
  - b. Presentation by Dr Denis Hew, Director, Policy Support Unit
  - c. Discussion
6. Digital Economy: Policy levers for investment and growth (30 minutes)
  - a. Presentation by Mr Nicolo' Antonio Andreula, AlphaBeta
  - b. Discussion

*Lunch 1230 - 1400*

7. Policy Discussion: The Use of Economic Evidence for Promoting More Effective Competition Policy and Market Functioning – Chaired by Viet Nam (90 minutes)

- a. Presentation by Prof Frederic Jenny, Chair, OECD Competition Committee
- b. Economy Presentations
  - i. Australia, Mr Richard York, ACCC
  - ii. Japan, Mr Yasunori Tabei, JFTC
  - iii. Viet Nam, Mr Phan Duc Hieu, CIEM
- c. Discussion
- d. Summary and Recommendations

*Coffee Break 1530 - 1545*

- 8. SELI Work Plan on Online Dispute Resolution – Discussion Chaired by SELI Convenor (120 minutes)
  - a. Summary of ABAC Survey, Ms Michelle Fung, Hong Kong, China
  - b. Panel Discussion: Lessons from current ODR experience for an APEC-wide ODR framework (Moderated by Mr Mark Walter, US-ATAARI)
    - i. Prof Yoshihisa Hayakawa, Rikkyo University
    - ii. Mr Nguyen Anh Duong, Viet Nam
    - iii. Ms Ada Chen, Hong Kong, China
  - c. Panel Discussion: Working towards an APEC-wide ODR framework (Moderated by Ms Ada Chen, Hong Kong, China)
    - i. Ms Julie Nind, New Zealand
    - ii. Dr Nicholas Vermeys, University of Montreal
    - iii. Mr Michael Dennis, United States
  - d. Q&A/Open Discussion, Moderated by EC Chair Mr Rory McLeod
  - e. Closing Remarks, SELI Convenor Dr James Ding

*End of Day 1 1745*

Day 2 – commences at 0900

- 9. APEC Economic Policy Report (90 minutes)
  - a. Consider Draft 2017 AEPR on Structural Reform and Human Capital Development
    - i. Update from Core Team – by Robert Logie, Canada
    - ii. Presentation by Dr Anne Krueger, Consultant for the AEPR
    - iii. Presentation by Emmanuel San Andres, PSU
    - iv. Comments from HRDWG LS and EC Chair
    - v. Discussion
  - b. Update on 2018 AEPR
    - i. EC – SFOM Collaboration (Viet Nam)
    - ii. OECD Work on Structural Reform and Infrastructure, Ms Donna-Jean Nicholson

*Coffee Break 1030 - 1045*

- 10. Renewed APEC Agenda on Structural Reform (60 minutes)
  - a. 2018 ‘High Level Structural Reform Officials’ Meeting’
  - b. Other aspects of RAASR’s implementation (including any IAP updates or implementation)
    - i. Update from PSU on RAASR Mid-Term Review Timeline (PSU)
    - ii. IAP Implementation Updates
      - Papua New Guinea
      - Mexico
      - Indonesia
    - iii. Update to RAASR Sub-Fund Criteria (Australia)

- c. ASCR Baseline Indicators (PSU)
  - d. Boracay Action Agenda on MSMEs – Stocktake for 2017 (Philippines)
11. Ease of Doing Business (Second APEC EoDB Action Plan 2016-2018) (15 minutes)
- a. Presentation by Carlos Kuriyama, PSU
  - b. Outcomes from Workshop on Simplified Business Registration and Incorporation (United States)
12. Good Regulatory Practice (30 minutes)
- a. Outcomes from GRP 10 (SCSC Chair)
  - b. Outcomes from APEC – OECD IRC event (New Zealand)
  - c. OECD IRC Update (OECD)

<i>Lunch 1245 - 1400</i>
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13. Policy Discussion: OECD Guidelines for the Governance of SOEs – Chaired by CLG (90 minutes)
- a. Presentation by Ms Nguyen Nguyet Anh, World Bank – International Finance Corporation
  - b. Economy Presentations
    - i. Japan, Mr Kojiro Fujii, Nishimura & Asahi
    - ii. Chinese Taipei, Ms Cheryl Tseng
    - iii. Viet Nam, Dr Nguyen Dinh Cung, CIEM
  - c. Discussion
  - d. Summary and Recommendations

<i>Coffee Break 1530 - 1545</i>
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14. APEC Projects (45 minutes)
- a. APEC Secretariat Update
  - b. Existing project reports
    - i. Australia: “APEC Labour Mobility Initiative” (HRDWG)
  - c. New project proposals (either self-funded or for Session 1 2018)
    - i. US: “APEC Workshop on Access to Credit”
    - ii. Mexico: “Capacity Building online program on Regulatory Improvement”
    - iii. Australia: Addressing Structural Barriers to Human Resource Development: A capacity-building workshop for targeted developing economies in APEC
    - iv. Hong Kong, China: “Workshop on the Use of Modern Technology for Dispute Resolution and Electronic Agreement Management (Particularly ODR)”
  - d. Guidelines on Promoting Cross-Fora Collaboration (SCE Chair Office)
15. EC Governance (30 minutes)
- a. EC Chair and Vice Chairs for 2018-2019
  - b. CPLG Convenor and Vice Convenor for 2018-2019
  - c. SOM Governance Paper – Implications for EC (Secretariat)
  - d. FotC Leadership 2018 and Beyond
16. EC 1 2018 – Presentation by Papua New Guinea (15 minutes)
- a. Proposals for Policy Discussions (10 minutes)
    - i. Public Sector Governance
      - 1. Thailand – Open Government
      - 2. Russian Federation – Public E-Services

17. Classification of Documents (1 minutes)

18. Closing Remarks by EC Chair (4 minutes)

附件二：APEC 結構改革更新議程(RAASR)2018 年期中成果盤點  
撰寫模板(2018 RAASR mid-term review template)

## Economy: \_\_\_\_\_

### Implementation of RAASR Priorities and Actions

#### Instructions:

1. With reference to the 2016 RAASR IAP and subsequent revisions (if applicable) as baseline<sup>3</sup>, please provide any significant progress/developments related to each of the priorities/actions included in your economy's IAP.
2. Please indicate progress/developments using the corresponding qualitative and quantitative indicators mentioned in your economy's 2016 RAASR IAP. For example, if cost of business registration was proposed as a quantitative indicator in the 2016 RAASR IAP, then progress should describe how much the cost of business registration has changed from 2016 to 2018.
3. If new qualitative and quantitative indicators are used to measure progress (i.e. not mentioned in 2016 RAASR IAP), please indicate accordingly.
4. Please keep responses concise (should not exceed ½ page per action).

<b>Priority 1:</b> <i>[Insert description of priority included in your economy's 2016 RAASR IAP]</i>	
<i>[Select which RAASR pillar or pillars this priority contributes to. If priority is outside the three RAASR pillars, please indicate in Others.]</i>	
<input type="checkbox"/> Pillar 1: More open, well-functioning, transparent and competitive markets.	
<input type="checkbox"/> Pillar 2: Deeper participation in those markets by all segments of society, including MSMEs, women, youth, older workers, and people with disabilities.	
<input type="checkbox"/> Pillar 3: Sustainable social policies that promote the above-mentioned objectives, enhance economic resilience, and are well-targeted, effective, and non-discriminatory.	
<input type="checkbox"/> Others: _____	
<b>Action A</b> (use action from your economy's 2016 RAASR IAP)	<i>[Insert description of action]</i>
<b>Description of progress for Action A</b>	<i>[Briefly provide any significant progress/developments related to this action since 2016. Your economy should highlight what successful steps were taken within this particular action. Furthermore, your economy should indicate some challenges faced while implementing this action and solutions applied to overcome them.]</i>
<b>Measures of progress for Action A</b>	<b>Qualitative:</b> <i>[Briefly describe how qualitative indicator(s) has/have changed between 2016 and 2018. Please refer to the indicators included in your economy's RAASR IAP to the extent possible.]</i>
	<b>Quantitative:</b> <i>[Briefly describe how quantitative indicator(s) has/have changed between 2016 and 2018. Please refer to the indicators included in your economy's</i>

<sup>3</sup> This is for economies that have revised their 2016 IAPs.



	<i>RAASR IAP to the extent possible.]</i>
<b>Future plans for implementation of Action A</b>	<i>[Briefly provide any information on future plans to realize the implementation of this action. It would be good for your economy to indicate where capacity building and technical assistance are likely to be helpful.]</i>
<b>Action B (use action from your economy's 2016 RAASR IAP)</b>	<i>[Insert description of action]</i>
<b>Description of progress for Action B</b>	<i>[Briefly provide any significant progress/developments related to this action since 2016. Your economy should highlight what successful steps were taken within this particular action. Furthermore, your economy should indicate some challenges faced while implementing this action and solutions applied to overcome them.]</i>
<b>Measures of progress for Action B</b>	<b>Qualitative:</b> <i>[Briefly describe how qualitative indicator(s) has/have changed between 2016 and 2018. Please refer to the indicators included in your economy's RAASR IAP to the extent possible.]</i>
	<b>Quantitative:</b> <i>[Briefly describe how quantitative indicator(s) has/have changed between 2016 and 2018. Please refer to the indicators included in your economy's RAASR IAP to the extent possible.]</i>
<b>Future plans for implementation of Action B</b>	<i>[Briefly provide any information on future plans to realize the implementation of this action. It would be good for your economy to indicate where capacity building and technical assistance are likely to be helpful.]</i>

**Priority 2:** *[Insert description of priority included in your economy's 2016 RAASR IAP]*

*[Select which RAASR pillar or pillars this priority contributes to. If priority is outside the three RAASR pillars, please indicate in Others.]*

- Pillar 1: More open, well-functioning, transparent and competitive markets.
- Pillar 2: Deeper participation in those markets by all segments of society, including MSMEs, women, youth, older workers, and people with disabilities.
- Pillar 3: Sustainable social policies that promote the above-mentioned objectives, enhance economic resilience, and are well-targeted, effective, and non-discriminatory.
- Others: \_\_\_\_\_

<b>Action A (use action from your economy's 2016 RAASR IAP)</b>	<i>[Insert description of action]</i>
<b>Description of progress for Action A</b>	<i>[Briefly provide any significant progress/developments related to this action since 2016. Your economy should highlight what successful steps were taken within this particular action. Furthermore, your economy should indicate some challenges faced while implementing this action and solutions applied to</i>

	<i>overcome them.]</i>
<b>Measures of progress for Action A</b>	<b>Qualitative:</b> <i>[Briefly describe how qualitative indicator(s) has/have changed between 2016 and 2018. Please refer to the indicators included in your economy's RAASR IAP to the extent possible.]</i>
	<b>Quantitative:</b> <i>[Briefly describe how quantitative indicator(s) has/have changed between 2016 and 2018. Please refer to the indicators included in your economy's RAASR IAP to the extent possible.]</i>
<b>Future plans for implementation of Action A</b>	<i>[Briefly provide any information on future plans to realize the implementation of this action. It would be good for your economy to indicate where capacity building and technical assistance are likely to be helpful.]</i>
<b>Action B (use action from your economy's 2016 RAASR IAP)</b>	<i>[Insert description of action]</i>
<b>Description of progress for Action B</b>	<i>[Briefly provide any significant progress/developments related to this action since 2016. Your economy should highlight what successful steps were taken within this particular action. Furthermore, your economy should indicate some challenges faced while implementing this action and solutions applied to overcome them.]</i>
<b>Measures of progress for Action B</b>	<b>Qualitative:</b> <i>[Briefly describe how qualitative indicator(s) has/have changed between 2016 and 2018. Please refer to the indicators included in your economy's RAASR IAP to the extent possible.]</i>
	<b>Quantitative:</b> <i>[Briefly describe how quantitative indicator(s) has/have changed between 2016 and 2018. Please refer to the indicators included in your economy's RAASR IAP to the extent possible.]</i>
<b>Future plans for implementation of Action B</b>	<i>[Briefly provide any information on future plans to realize the implementation of this action. It would be good for your economy to indicate where capacity building and technical assistance are likely to be helpful.]</i>

附件三：RAASR 期中成果盤點時程規劃(文件編號：2017/SOM3/  
EC/020)



**Asia-Pacific  
Economic Cooperation**

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**2017/SOM3/EC/020**

Agenda Item: 10bi

## **Proposed Timeline for the 2018 Mid-Term Review of RASSR**

Purpose: Consideration

Submitted by: Policy Support Unit, APEC Secretariat



**Second Economic Committee Meeting  
Ho Chi Minh City, Viet Nam  
25-26 August 2017**

**Proposed Timeline for the 2018 Mid-Term Review of  
Renewed APEC Agenda for Structural Reform (RAASR)**

As indicated in the 2015 Structural Reform Ministerial Meeting Statement (Document 2015/SRMM/JMS), high-level structural reform officials' meeting will be convened in 2018 to assess the progress with RAASR (i.e. mid-term review of RAASR).

PSU had proposed a two-part review process in the report on "Exploring Quantitative Indicators for Effective Monitoring of APEC-wide Progress on Structural Reform under RAASR 2016-2020"<sup>1</sup>:

- 1) At individual economy level (through IAP); and
- 2) At APEC-wide level.

This review process was proposed based on the need to balance two perspectives:

- 1) The range of concrete actions identified are likely to cover a very wide spectrum given the different level of development and priorities of individual economies and it is important to monitor their progress individually.
- 2) At the same time, APEC-wide progress on structural reform should be monitored and analysed to consider other aspects which are over and beyond concrete actions identified by economies.

To prepare for the review, the PSU would like to propose the following timeline for the consideration of EC members. This timeline is based on the tentative calendar for the 2018 APEC year.

Date/Period	Action
Between EC2 (August 2017) and end-September 2017	Economies to agree on the RAASR mid-term review template intersessionally.
Early October 2017	Circulation of agreed review template for completion by EC members.
At EC1 (TBC, February 2018)	PSU to update on the work done intersessionally.
Approximately 2-3 weeks after EC1	<p>Economies to submit their completed review template.</p> <p>Using the 2016 RAASR IAPs and subsequent revisions (if applicable)<sup>2</sup> as baseline, economies should <u>briefly describe significant update/progress/developments related to each of the priority/action included in their respective IAP.</u></p> <p>Economies should indicate progress/developments using the <u>corresponding qualitative and quantitative indicators mentioned in their respective IAP.</u></p> <p>Review submissions shall be sent to Andre Wirjo (<a href="mailto:aw13@apec.org">aw13@apec.org</a>) and EC Program Director.</p>
From March to Mid-June 2018	PSU will prepare the first draft of the RAASR Mid-Term Review Report. The report will include progress at APEC-wide level (based on agreed external indicators), as well as at individual

<sup>1</sup> [http://publications.apec.org/publication-detail.php?pub\\_id=1768](http://publications.apec.org/publication-detail.php?pub_id=1768)

<sup>2</sup> This is for economies that have revised their 2016 IAPs.

	economy level (based on review submissions).
Mid-June 2018	PSU will circulate draft to EC members for their review and comments.
Mid-July 2018	Circulation of revised draft by PSU to EC members.
At EC2 (TBC, August 2018)	EC members to consider the RAASR Mid-Term Review Report and agree to send it to Structural Reform Officials for endorsement.
At High-Level Structural Reform Officials' Meeting (TBC, 2018)	Endorsement of RAASR Mid-Term Review Report by Structural Reform Officials.

附件四：2018 年結構改革高階官員會議預期成果(文件編號：2017/  
SOM3/EC/019)



**Asia-Pacific  
Economic Cooperation**

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**2017/SOM3/EC/019**  
Agenda Item: 10a

## **2018 High Level Structural Reform Officials' Meeting - Potential Deliverables**

Purpose: Consideration  
Submitted by: EC Chair



**Second Economic Committee Meeting  
Ho Chi Minh City, Viet Nam  
25-26 August 2017**



## 2018 High-Level Structural Reform Officials' Meeting – Potential Deliverables

### Paper from the EC Chair

#### Background

In adopting the Renewed APEC Agenda for Structural Reform in 2015, Ministers mandated the convening in 2018 of a 'high-level structural reform officials' meeting' (HLSROM) to assess progress with RAASR. The meeting will mark the half-way point between the mandating of RAASR and the eventual Structural Reform Ministerial Meeting in 2020 to evaluate RAASR and set fresh ministerial direction for the future of APEC's structural reform agenda.

In doing so, Ministers also agreed to use quantitative indicators (already proposed by PSU and endorsed by EC in 2016) to measure APEC-wide progress and noted that those indicators would be used to deliver a 'mid-term review' of RAASR as part of the 2018 meeting. In this regard, PSU distributed in July both a draft timeline, and draft template, for the consideration of members.

#### Potential Deliverables for 2018 HLSROM

While considerable progress has been made under the RAASR, there are some outputs that still need to be completed prior to the 2020 Ministerial Meeting. As such, it would be logical that the HLSROM cover some or all of the following issues:

1. *Qualitative Advice on Overall Progress of RAASR*

EC did provide such an update during SOM 1 2017 to APEC Senior Officials (see [here](#)). This could be further updated and provided to HLSROM as the qualitative input into their consideration of the mid-term review. It could also be a vehicle to suggest any further work in the 2018-2020 period that members deem necessary to supplement those activities mandated by RAASR. In addition, further qualitative information can be obtained from the (draft) 2018 RAASR mid-term review template to be completed by members.

2. *Quantitative Advice on Horizontal/Overall Progress of RAASR*

This would be provided by PSU, drawing on the endorsed set of external quantitative indicators which will be used to help monitor progress across all 3 pillars of RAASR.

3. *Guidance re other initiatives under RAASR not yet progressed*

Members could consider using the 2018 meeting to present deliverables and receive guidance on any mandated actions under RAASR not yet completed. In particular, members may wish to be in a position to report on progress on mandated outputs under the RAASR theme of 'structural reform and inclusive growth'. There is much still to be achieved under this theme.

4. *APEC Economic Policy Reports*

High Level Structural Reform Officials could have a role with respect to the draft 2018 AEPR on Structural Reform and Infrastructure, and also with respect to implementation of past AEPRs.

5. *Ease of Doing Business*

Members could take the opportunity to have a preliminary stocktake of the Second EoDB Action Plan, which concludes in 2018, and to consult on whether or not to extend it or set a fresh direction. Discussions could consider the priority areas, time period, quantitative target and capacity building. Feedback from champion economies would be important.

*6. Any Relevant Issues from 2018 Host and other Economy Priorities*

Following from the proposed 'EC dialogue on the implementation of productivity-enhancing reform', which would be held back-to-back with EC1 in February 2018, members could reflect on the outcomes of that dialogue and discuss how economies can more effectively implement reform. The meeting might also take up any additional Host or other Economy priorities.

Logistics and Arrangements

As occurred with the SRMM in 2015, it would make sense that substantive preparations for the HLSROM be delegated to teams of economies covering specific agenda items for the meetings. I have consulted with the incoming chair and he will present a format on how this could occur to EC1 in 2018, should Members be happy to proceed on this basis.

The 2018 Host Economy, Papua New Guinea, has signified its intention to host the HLSROM back-to-back with EC2/SOM3 in August 2018. Exact timing is to be confirmed but an obvious time for the meeting to take place would be adjacent to EC2/SOM3.

Host and Members views will be needed on any side-events, or other necessary arrangements that could add value to the event.

附件五：EC 於 2017 年第一次資深官員會議(SOM1)提交 APEC 服務業競爭力路徑圖下之 RAASR 執行情形(文件編號：2017/SOM1/016)



**Asia-Pacific  
Economic Cooperation**

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**2017/SOM1/016**

Agenda Item: 5

**Report from the Economic Committee to SOM1 2017  
Under the APEC Services Competitiveness  
Roadmap**

Purpose: Consideration

Submitted by: EC Chair

Forum Doc. No.: 2017/SOM1/EC/012



**First Senior Officials' Meeting  
Nha Trang, Viet Nam  
2-3 March 2017**

## REPORT FROM THE ECONOMIC COMMITTEE TO SOM 1 2017 UNDER THE APEC SERVICES COMPETITIVENESS ROADMAP

### Summary

This report fulfils the following task assigned to the Economic Committee under the APEC Services Competitiveness Roadmap (ASCR):

- *To report at SOM1 2017 on how the recommendations of the 2016 APEC Economic Policy Report on Structural Reform and Services ("2016 AEPR") will be implemented.*

This report also details broader implementation to date of the Renewed APEC Agenda for Structural Reform (RAASR), of which the 2016 AEPR is one element.

In broad terms, the EC has made good progress in implementing the RAASR mandate. Almost all tasks are underway, with several already completed. While the 11 recommendations of the 2016 AEPR apply overwhelmingly to future unilateral action by individual member economies, there have also been a number of APEC-wide implementation steps to date.

### Report

In September 2015 Structural Reform Ministers met in Cebu, Philippines, and endorsed RAASR. RAASR follows its predecessors ANSSR and LAISR and provides updated guidance and a work program for APEC's structural reform agenda until 2020. RAASR's implementation is led by the EC.

In 2018, a meeting of High-Level Structural Reform Officials will review progress under RAASR. In 2020, the next SRMM will be held to evaluate the outcomes of RAASR and decide on the future of APEC's structural reform agenda.

RAASR is structured around five areas of work:

- Structural Reform and Inclusive Growth
- Structural Reform and Innovation
- Structural Reform and Services
- Tools for Structural Reform
- New Directions for Structural Reform in APEC

In addition under the Cebu mandate, Phase II of the Ease of Doing Business (2016-2018) was also endorsed.

The following paragraphs demonstrate the implementation to date under each of the areas of work and, in the case of structural reform and services, also outline how the recommendations of the 2016 AEPR will be implemented.

#### *Structural Reform and Inclusive Growth*

The EC was instructed to:

- a) Develop a policy framework on how structural reform, including those being initiated by other APEC committees and working groups, can contribute to inclusive growth
- b) Develop a set of indicators for evaluating inclusiveness of structural reform policies (as a priority component of the indicators that are being developed with the APEC Policy Support Unit for the assessment of RAASR)
- c) Share knowledge and experience relating to structural reforms that may affect inclusive growth, and identify policies to mitigate negative impacts, where warranted.

In this regard the EC has:

- With assistance from the PSU, developed and endorsed a set of external quantitative indicators for RAASR. Within the set of indicators are ones on inclusiveness.

The EC will start discussion on the issue of a policy framework at EC 1 2017.

The EC continues to promote the sharing of knowledge and experience in this area.

#### *Structural Reform and Innovation*

The EC Committee was instructed to:

- Complete the APEC Economic Policy Report (AEPR) on Structural Reform and Innovation, and recommend its adoption at the APEC Ministers' Meeting in November 2015
- Further consider the impact of its work on structural reform and innovation for policies needed to address the middle income trap, and slowing growth potential in other economies
- Consider information sharing with other relevant APEC fora on the policy issues arising from the AEPR on Structural Reform and Innovation, such as education, public investment, quality ICT infrastructure, intellectual property rights protection, dissemination of technologies through licensing and partnership, and a business-friendly investment climate (especially for MSMEs), on the basis of consensus within the relevant fora.

In this regard the EC has:

- Completed the 2015 AEPR, and had it adopted by AMM
- Shared it extensively with other relevant fora through briefings from the EC Chair in person at those fora
- Continued to hold middle income trap seminars, most recently in 2016

#### *Structural Reform and Services*

The EC was instructed to:

- Work on structural reform and services as one of the priorities for APEC, specifically:
  - To raise the importance of services in RAASR;
  - To encourage economies to implement unilateral reforms aimed at further improving the services sector, as part of their structural reform action plans under RAASR; and
  - For the APEC Economic Policy Report 2016 to focus on structural reform and services.
- Support the initiative to develop an APEC Services Cooperation Framework (ASCF), specifically:
  - To closely collaborate with the Committee on Trade and Investment (CTI)/Group on Services (GOS) and other fora, as appropriate,
    - To conduct public-private dialogues;
    - To conduct dialogues with sectoral regulators, policy makers, and business (through APEC cross-fora dialogue and cooperation); and
    - To consider developing a joint work program with GOS, which may include producing a set of recommendations for domestic regulation of the services sectors.

In this regard the EC has:

- Completed the 2016 AEPR, and had it adopted by AMM
- Shared it extensively with other relevant fora through briefings from the EC Chair in person at those fora



- Endorsed the RAASR Sub-Fund, which specifically encourages projects in the area of structural reform and services
- Met jointly with CTI in 2016 to foster collaboration in the area of the ASCR, with joint efforts to continue in 2017 – including with GOS

Specifically in respect of the 2016 AEPR, the EC notes the following with regard to the 11 recommendations made therein (see Annex to this report for the full text of the Recommendations):

<u>Recommendations</u> <sup>12</sup>	<u>APEC-wide implementation to date</u>
1. Pay more attention to services.	Briefings of 2016 AEPR to relevant fora, including HRDWG, GOS, LSIF, HWG, FCBDM, ECSG, TWG, AHSGIE, CTI  Joint meeting with CTI  Endorsement of RAASR sub-fund; operational from Session 1 2017  For economies as appropriate through IAPs
2. Pursue reforms on a unilateral basis.	Endorsement of 21 RAASR Individual Action Plans (IAPs), which are living documents to be implemented within the RAASR period
3. Focus on productivity.	For economies as appropriate through IAPs
4. Rely on market mechanisms and competition.	For economies as appropriate through IAPs
5. Recognize and measure the positive spillover effects of structural reform.	For economies as appropriate through IAPs
6. Apply value chain perspectives to leverage services reforms.	For economies as appropriate through IAPs
7. Adopt a whole of government outlook to anticipate potential silo problems.	For economies as appropriate through IAPs
8. Consider need to address adjustment costs.	For economies as appropriate through IAPs  2017 AEPR forthcoming on structural reform and human capital development
9. Design reform programs to be flexible to reflect learning by doing.	Reviews of IAPs (and, to come, overall review of RAASR at mid-point in 2018)
10. At the APEC level, pursue cross-fora collaboration and joint work programs.	Briefings of 2016 AEPR to relevant fora, including HRDWG, GOS, LSIF, HWG, FCBDM, ECSG, TWG, AHSGIE, CTI  2015 AEPR collaboration with PPSTI  2016 AEPR collaboration with CTI and GOS  2017 AEPR collaboration with HRDWG  ASCR collaboration with SOM, CTI and GOS
11. Implement measures to measure progress and impacts of structural reforms.	Endorsement of external quantitative indicators  Individual measures for economies as appropriate through IAPs

<sup>1</sup> These recommendations apply overwhelmingly to unilateral actions which are within the domain of individual member economies. 2017 represents the first full year of implementation for the IAPs.

<sup>2</sup> See Annex for the full text of the 11 recommendations from the 2016 AEPR.

## Tools for Structural Reform

The EC was instructed to:

- a) Encourage economies to increase their efforts to promote international regulatory cooperation;
- b) Consider holding a 2016 APEC GRP Conference on the theme of building high level support for reform (which includes international regulatory cooperation)
- c) Consider ways to facilitate stakeholder participation in public consultation processes throughout the APEC region, that are open to both domestic and foreign stakeholders
- d) Promote awareness and wider use of international legal instruments to strengthen the legal infrastructure of APEC economies; and
- e) Encourage member economies to undertake a self-assessment of barriers to competition, including a review of current competition laws and policies.

In this regard the EC has

- Held the successful 9<sup>th</sup> Good Regulatory Practices Conference with SCSC in 2016, at which the following conclusions were reached:
  - o *It is clear that most APEC economies have most of the elements of GRP in place in some form or other, but it is also clear that we all need to learn to use them effectively.*
  - o *Overall, GRP requires;*
    - *Political commitment;*
    - *Regulatory oversight bodies that are empowered and independent;*
    - *A robust regulatory impact assessment (RIA) process; and*
    - *Effective approaches to engaging stakeholders.*
  - o *A broad view of international regulatory cooperation is also desirable within the EC framework.*
- Held a Workshop on Dispute Resolution – the key to efficient settlement of business disputes in collaboration with UNCITRAL, which introduced various UNCITRAL instruments providing a predictable and effective legal framework, benefiting the international business community and fostering international trade and investment, as well as a proposal for building an online dispute resolution (ODR) platform for APEC economies to facilitate speedy dispute resolution in cross-border trade, particularly for micro, small and medium enterprises with limited resources
- Held other dialogues/events/projects under EC on regulatory quality, transparency and public consultation, use of international instruments, and self-assessment of barriers to competition

## New Directions for Structural Reform in APEC

Ministers (economies) committed to strengthening and enhancing the economic relevance and scope of individual economy action plans under RAASR through

- i) increased consultation and engagement with business, both at the individual economy level, and through APEC and ABAC;
- ii) encouraging economies to nominate reform actions under all pillars and across all sectors;
- iii) the convening in 2018 of a high-level structural reform officials' meeting to assess progress with RAASR; and
- iv) the convening in 2020 of the third Structural Reform Ministerial Meeting to evaluate the results of the RAASR implementation.

Ministers (economies) also agreed to:



- Using quantitative indicators to measure APEC-wide progress on structural reform and support an APEC structural reform progress report developed by the APEC PSU with the EC, as part of the mid-term review of RAASR in 2018 and a final review in 2020.

In this regard the EC has:

- Reached out to ABAC including through a briefing of the EC Chair to ABAC in 2016
- Encouraged ambition in the RAASR IAP process
- Endorsed the set of quantitative indicators, with thanks to the PSU.

The EC will hold a first discussion on the 2018 meeting at EC 1 2017.

## Annex: Full text of Recommendations from 2016 AEPR

- 1. Pay more attention to services.** The performance of services sectors matters for the simple reason that services already account for over half of all economic activity in APEC economies and in most instances significantly more than that. The share of services in GDP and employment will only increase looking forward especially as developing economies expand into digital and internet businesses and demand for services grows with rising incomes. Services impact the competitiveness of all firms in an economy because many services are inputs into production. Services performance is also critical for inclusion, as access to services and the quality of services available to citizens directly impact on their welfare. Most SMEs are in the services sector and so is the majority of employment. Thus, services must be a central focus of economic policy and structural reform efforts aimed at bolstering inclusive growth. This may imply a need to 'rebalance' the degree of attention given to different sectors of the economy – away from agriculture and manufacturing (assembly-based industries) in favour of a greater focus on the development and performance of services sectors.
- 2. Pursue reforms on a unilateral basis.** Structural reforms in services sectors should be pursued autonomously. This does not imply that international agreements such as through the WTO, Trade in Services Agreement (TiSA), or regional trade agreements cannot be helpful in providing a supportive framework for reforms. But the burden of structural reform initiatives rest on individual governments. They can be and should be informed by international experience and efforts to determine what constitute good practices – an area in which APEC has a long-standing track record.
- 3. Focus on productivity.** There are many possible rationales and reasons for undertaking structural reform in services sectors. The economic literature and international experience with such reforms suggests that the aim should be to improve the economic performance of services sectors. Performance is a multi-dimensional concept and goes beyond seeking to lower prices for consumers or costs for the industries that source services. The evidence discussed in this report suggests there is a good case for focusing on total factor productivity. This may be reflected in lower prices/costs but may also be associated with better access and improved quality, variety and choice. The different dimensions of performance are all relevant from the perspective of greater inclusion, but from a growth perspective what matters is improving service sector productivity.
- 4. Rely on market mechanisms and competition.** A focal point (premise) for structural reforms is to enhance competition on domestic markets through removal of policy driven barriers to entry by new firms and reduction of restrictions on the ability for firms to pursue mergers or acquisitions. Identifying and removing entry restrictions should be a basic element of reforms – measures that inhibit new entry, including by start-ups and foreign-owned companies – as entry is a major driver for better performance. This should be broadly conceived to include a focus on capital markets as a vehicle for such entry. Often achieving the greater competition through new entry will require ancillary regulatory measures that preclude incumbent operators from increasing the costs of switching to new suppliers for customers – requiring portability of telephone numbers is an example. Identifying such ancillary pro-competitive regulation is an important dimension of the design of structural reform programs and is one that can benefit from consultations with consumer organizations and the industries concerned – including buyers of services.
- 5. Recognize and measure the positive spillover effects of structural reform.** Services reforms can have many positive effects, and experience reveals that many of these take the form of ancillary, unanticipated benefits. Reforms generally will expand choice and improve quality, and may broaden access to services. Reforms may lead to firms starting to export by connecting to GVCs or e-commerce platforms. They are often drivers of innovation, bringing about new services and new products. The implication is that reforms should be defined as

going beyond the realization of narrowly defined targets but being motivated by such positive spillovers. A corollary is that systems be put in place to identify and measure spillover effects so as to be able to monitor and document the effects of a reform process. The extent of contestation in recent years of the impacts of trade agreements illustrates the importance of compiling evidence on the results of reforms across a broad array of dimensions, including effects on inclusion through connectivity and innovation. The case studies show that a variety of positive spillovers may be generated by services policy reforms and that this may result in 'underselling' of the benefits of undertaking structural reforms. In New Zealand for example, reforms were presented as aiming at lower electricity prices, neglecting the greater choice and quality for households that the reforms generated.

6. **Apply value chain perspectives to leverage services reforms.** At the economy level the effects of structural reforms in services will be determined in part by the linkages that connect sectors. The design of reforms should be sensitive to and consider such linkages, and allow for adjustments over time to ensure that related policy areas are not (do not become) a binding constraint. Explicit consideration of forward and backward linkages can be achieved by adopting value-chain informed approaches to identifying the set of policy areas that impact on service sector performance. In many cases a sector specific focus may need to include measures pertaining to other complementary sectors, either concurrently or in the future. This goes beyond traditional "GVC" – it is about linkages and complementarities across activities and technologies – e.g., internet platforms and portals; e-commerce; logistics and express carriers.
7. **Adopt a whole of government outlook to anticipate potential silo problems.** A corollary of the 'value chain' dimensions that should be considered in the design and implementation of structural reforms for services is to engage the different regulatory agencies and government entities that impact on the various sectors that are implicated. Likewise, reforms have to bring in local governments which, especially in specific services sector such as environmental services, play a major role in regulations. A high level of commitment to reforms is needed for sustaining a whole of government approach, and is likely to bolster the perceived credibility of a reform program.
8. **Consider need to address adjustment costs.** Structural reform may give rise to adjustment costs. Incumbent firms that have benefitted from the rents created by entry restrictions will see that source of profit eroded by reforms and workers in inefficient firms may be forced to search for new employment opportunities and require retraining. As noted in this report, the extent and distribution of adjustment costs is likely to differ for services as compared to manufacturing, with smaller negative impacts on employment. The erosion of rents for incumbent firms associated with facilitating entry of new companies in a sector is a key goal of reform and an important source of welfare gains that accrue to society at large. However, a specific feature of policy in some service markets is that that negatively impacted firms may have had to undertake significant investments in order to comply with the regulatory requirements that are being changed in a reform– the investment associated with purchasing a taxi operating license being a classic example. In such cases compensation mechanisms need to be part of the reform design. The same is true for adversely affected consumers – e.g., households that lose access to services that are no longer profitable to supply by operators in a more competitive environment. Such possibilities need to be addressed in the design and implementation of reforms. Market-based allocation mechanisms may be used to address such market failures (e.g., auctioning subsidies to cover the cost of universal service). Of particular importance is to consider complementary investments in skill development and training of workers as well as active labour market policies to support the job search process.
9. **Design reform programs to be flexible to reflect learning by doing.** Reforms are a dynamic process. Circumstances can evolve over time. The specifics of the design of reforms may prove to be inappropriate in some dimensions or unexpected spillover effects may



emerge. Adjustments may be needed as a result of unintended consequences. This calls for mechanisms to be put in place to generate the information and feedback needed to identify when and where adjustments are needed. Building knowledge partnerships at the economy level that include industry, consumer groups and specific stakeholders to interact with the relevant regulators and government representatives can ensure that such information is generated on a timely basis. Such partnerships can become platforms for monitoring progress and provision of inputs needed for evaluation of structural reforms. Evidence-based research and analysis of reform impacts complement the process and prevent it from being a mere mechanism for policy capture. This implies putting in place mechanisms to generate needed data (see point 11 below).

10. **At the APEC level, pursue cross-fora collaboration and joint work programs.** The regulatory issues that are the focus of deliberations in the Economic Committee as part of the broader structural reform agenda must be informed by and involve the relevant sectoral regulators and related working groups, and vice versa. Regulators will not have an economy-wide focus, while economic policy efforts aiming at inclusive growth are in large part conditional on regulatory reforms at sector level. Likewise, deliberations on services trade and investment policy reforms, a subset of the broader structural reform agenda and economic policy, must include sectoral regulators as well as line ministries that are responsible for policies that directly impact on the ability of firms to engage in international trade – be it through investment, data flows or cross-border movement of personnel. Multi-stakeholder fora such as the regular policy dialogues that occur in the margins of APEC meetings can be mobilized as well to act as a venue for learning and exchange of experience in implementing structural reforms.
11. **Implement measures to measure progress and impacts of structural reforms.** Data on services policies and services performance – productivity, employment, trade, investment – lags far behind that compiled for goods. Addressing these gaps should be a priority. Better data will support the structural reform agenda. It is needed to identify priority areas to focus on, to establish baseline performance measures/metrics for the services concerned, and to measure progress (trends) over time in indicators of performance. Monitoring and evaluation to assess impacts of reforms is needed to allow for adjustments in reform initiatives over time and to build on them with complementary actions. It is also important in assessing the extent of potential spillover effects of reforms. Such efforts should involve the private sector, including users of the services concerned. Of particular importance is firm- and household-level data that permits monitoring and evaluation of the impacts of policy reforms. A weakness of many current firm- and household surveys is that these do not collect much information on the use of and access to services of different types. Expanding existing survey instruments and censuses to do so is a necessary condition for effective monitoring and evaluation of the effects of structural reforms in services sectors. This will involve collecting data on services sector performance, market structure (e.g., number of new entrants and survival rates). This same applies to trade data, including foreign ownership and sales by foreign companies. From an APEC perspective collecting statistics on intra-APEC trade in services may be of interest – but more generally there is a dearth of bilateral trade and investment flow data that impedes analysis.

## 附件六：2017 年 APEC 經濟政策報告初稿(AEPR)建議事項

## 1. POLICY RECOMMENDATIONS

- 1. *Improve access to and quality of education and training.*** This is especially important for excluded groups and regions. Improving the quality of education should be a continuing process and intensify once 100 percent enrolment in primary school has been achieved. Expansion of capacity in secondary schools and lifelong training programs should be accelerated as primary enrolment gets to 100 percent. Categories of expansion should be coordinated with apparent and forecast skill requirements and geared towards inclusion (in coordination with an ALMP plan as discussed below).
- 2. *Develop labour and educational reforms with a view to reaching appropriate active labour market policies (ALMPs).*** ALMPs coordinate all aspects of skills and employment and the policies suggested below would each be a necessary part of a fully functional AMLP. If there is separate and uncoordinated data collection on each aspect of the labour market—e.g., training and education facilities and enrolments, unemployment compensation, job vacancies, job search by the unemployed, retraining for redundant workers, and training to upgrade skills—much investment into AMLPs would be inefficient as data systems will then have to be coordinated later on.
- 3. *Involve the private sector in training and skills development.*** The private sector has an important role to play in skills development of the workforce and are the best informed on their labour market needs. Advisory committees could advise officials on skills abundance and shortages, needed additional training facilities, expectations on growth areas, etc. Where appropriate, apprenticeships could be encouraged with financial support for workers, and perhaps even for businesses that hire and retain those they train.
- 4. *Reform labour market regulations and protection as needed.*** There should be a balance between promoting worker protections and rights and insuring that regulations are not too burdensome—for employers, that they are not unduly raising costs, and that MSMEs are not disadvantaged by regulation. Policies should also insure that minimum wages, employees' rights to leave, hours of work, and other workforce regulations are in line with realities in the labour market so that they do not induce shifts to the informal sector or deter growth. They should also cover protections appropriate for the stage of development, and find ways to encourage inclusion. In addition, it is important that policies encourage the creation of formal sector employment and discourage the development of a two-tier labour market in which some employees have permanent jobs with benefits, while many others are left with temporary and less secure forms of employment.
- 5. *Develop and improve data on all aspects of the labour market.*** Developing timely and accurate data on the labour market is an important step toward effective ALMPs. In addition to data from labour force surveys, data on job vacancies and redundancies from employers, data on qualification and standards that can be shared and disseminated, and other data will need to be regularly collected to inform policymakers, educators, and labour markets.
- 6. *Develop definitions of skills and appropriate certification mechanisms.*** Having common definitions of skills are crucial so that employers and employees can be better informed as to job matching needs and as an input to ALMPs. These definitions are also an important

input for education and training systems so they can develop appropriate curricula and pedagogies and issue certifications that are relevant to labour market needs.

7. ***Enhance social protection and safety nets for all, with an emphasis on inclusion.*** Social protection and safety net programmes play a crucial role in helping workers and households adjust to cyclical and structural unemployment. They also provide opportunities for unemployed workers to search for appropriate jobs and invest in human capital. Social protection and safety nets need to be enhanced while taking into account both the benefits and the costs. Linking unemployment benefits to job search and training or retraining as needed can improve outcomes for workers and for the economy.
8. ***Establish employment centres, especially in areas where information is poor and where exclusion is a significant issue, and provide counselling for job seekers and the unemployed.*** This should be coordinated as a significant step toward a full ALMP, with unemployment compensation conditional on job search or retraining as agreed with a counsellor. Information from employers (as in 3 above) can be disseminated through employment centres. With better information flows, periods of unemployment post-training or after redundancy can be significantly reduced, with simultaneous benefits to inclusion and economic growth.
9. ***Improve people-to-people connectivity through cross-border training exchange, labour mobility, and regulatory coherence.*** Economies can consider upgrading cooperation on people-to-people connectivity in line with current commitments. As globalisation and digital technologies are increasingly making labour markets international, cooperation on labour mobility and employment regulatory coherence becomes vital. APEC economies could also consider cooperation on cross-border education exchange—including for TVET, apprenticeships, and teacher training—to enhance skills development capacity building in the region. Regional training centres could also be established to minimise costs while taking advantage of economies of scale.

附件七：2017 年 AEPR 未來工作事項(Forward Agenda; 文件編號：  
2017/SOM3/EC/017)





**Asia-Pacific  
Economic Cooperation**

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**2017/SOM3/EC/017**  
Agenda Item: 9a.i

## **Forward Agenda for 2017 AEPR**

Purpose: Consideration  
Submitted by: Canada (2017 AEPR Core Team Lead)



**Second Economic Committee Meeting  
Ho Chi Minh City, Viet Nam  
25-26 August 2017**

## Think Piece - Forward Agenda for the 2017 APEC Economic Policy Report

This think piece is based on discussions among members of the Core Team working on the 2017 APEC Economic Policy Report (AEPR). The discussions highlighted two Forward Agenda items involving follow-up of the AEPR's recommendations by APEC forums and sub-forums that cannot be actioned until the AEPR is approved. The two Forward Agenda items are:

**Marketing:** ensuring that the 2017 AEPR is widely publicized and disseminated, and that the relevance of its recommendations is communicated in a way that can be understood by ordinary people across Asia-Pacific, including through social media.

**Follow-up:** asking that the AEPR recommendations be put on the workplans of the HRDWG and the EC, and that a volunteer "post-Core Team" track progress on implementation of the AEPR recommendations and report to the EC and HRDWG in 2019 and 2021, as well as flagging the relevance of the themes of the 2017 AEPR for APEC Committees, specific APEC projects and high-level initiatives promoted by host economies.

### Background

The theme of the 2017 AEPR is Structural Reform and Human Capital Development. Human Resource Development (HRD) has been taking on increased prominence in recent years as economies seek to help sectors of society adjust to economic and technological shifts. Structural reform to promote trade and investment liberalization and help markets work better has always been central to the mandate of APEC's work, particularly for the Economic Committee. Similarly, addressing the social dimensions of globalisation is a long-standing priority for HRDWG.

In 2017 Ministers are likely to consider a new Framework on HRD in the Digital Age in which APEC economies undertake joint work in the areas of research, dissemination of information and capacity building to better respond to the challenges and opportunities of globalization and digitalization. There will also be work on implementing the HRD Action Plan 2015-2018, the HRD Strategic Plan for 2016-2020, and efforts to realize the newly adopted APEC Education Strategy. There are many legacy areas of APEC work that relate to the theme of the 2017 AEPR. One example is work on structural reform e.g. the Renewed APEC Agenda on Structural Reform or RAASR. A high-quality 2017 AEPR feeds into all of these work areas and more. There might be tie-ins between 2017 AEPR recommendations and the high level meeting on structural reform that Papua New Guinea (PNG) will host in 2018. PNG will also host a Ministerial Meeting on HRD in 2018. Given the important role it will play as APEC host in 2018, it will be important to engage PNG early on regarding possible areas of follow-up to the 2017 AEPR and gain traction with HRD Ministers when they meet late in the year. The above provides a very short list of initiatives that are already underway that recommendations from a robust 2017 AEPR could contribute to.

A draft of the 2017 AEPR along with key recommendations is expected by the time of SOM-3/EC-2 in August. At that time, the Core Team should be in a position to begin work on the Forward Agenda,

particularly the marketing of the AEPR, near-term meetings (see B.1. below) and initial approaches to the HRDWG.

#### A. Publicizing and Disseminating the 2017 AEPR

Normally AEPRs are distributed to economies, a press release is issued at the Leaders Meeting, and the Secretariat creates a 2-pager on that year's AEPR, it is made available on the APEC website and information on it is distributed through social media. However, given that the theme of this year's AEPR is pertinent to a broad range of people and organizations, there is nothing in principle that prevents wider and more aggressive dissemination strategy. The Core Team should seek to communicate the relevance of the AEPR not only to policymakers and the usual recipients, but to other/new stakeholders.

*Targets for outreach include:*

- universities, industry training umbrella organisations and employment services in APEC economies
- education unions and other education-related bodies
- an organized appeal to the business community
- organizations that deal with human resource development in the region
- the general public (if possible) and broadly, through various social media channels

*Ideas and approaches to improve dissemination could include:*

1. Highlighting the relevance and credibility of the 2017 AEPR's recommendations. We should make every effort to communicate the relevance of the 2017 AEPR and to demonstrate how economic and trade policies of APEC economies create opportunities for all members of the APEC region, while acknowledging the challenges.
  - The first approved draft of the AEPR will have the AEPR's recommendations
  - We could note that we have hired a credible expert consultant – Dr. Anne Krueger
2. Targeting communications to ordinary people. We should find alternative ways to talk about HCD and structural reform. Example "making better rules and providing better access to training and skills to boost job/career prospects for ordinary people in remote towns in Philippines and across Asia Pacific"
3. Capitalizing on social media in new ways (beyond the APEC website)
  - the idea would be to leverage partner organizations such as APEC Study Centres, the Asia-Pacific Foundation of Canada, universities etc.
  - we could also include infographics given that this topic lends itself to visuals that ordinary people can relate to, people working in digital economy or MSMEs beginning export etc.

#### B. Encouraging Strong Follow-up to the 2017 AEPR

The Economic Committee is clearly at the beginning of efforts to grapple with complex problems related to structural reform and HRD/HCD, and can strengthen its collaboration with the HRDWG on these issues. The theme of the AEPR thus fits well with the initial phase that we are in with regards to efforts in this area (and this phase could continue for a few years) but it will likely also prove useful as APEC economies move to a phase characterized by more intense cooperation, more concrete projects and possibly new high-level initiatives in these areas in later years. The goal of the Core Team then is a) to

deliver a high-quality 2017 AEPR with buy-in from the HRDWG that b) ensure that it provides high-octane fuel for initiatives that APEC economies – especially host economies – choose to promote. Follow-up possibilities for the 2017 AEPR that have been identified by the Forward Agenda team so far fall under four broad headings:

### 1. Specific events and projects

The post-Core Team could offer to act as a resource for events and projects with potential tie-ins to the 2017 AEPR. In the near term these include:

- a. PNG Ministerial Meeting on HRD expected to be held in September 2018
- b. A workshop in 2018 hosted by HRDWG/EC, likely involving a policy dialogue on ideas from the AEPR which might include:
  - Improving Labor and Learner Mobility in the Region
  - Implications of the 4th Industrial Revolution and/or the Digital Economy building on the Framework on HRD in the Digital Age
- c. A more general dialogue on a pertinent topic (hosted by the HRDWG?) on
  - Regional collaboration on skills training
  - Labour market resilience and adaptability
- d. Working with economies on specific projects that flow from the analysis of the AEPR in areas such as capacity building for skills training and employment services etc.

### 2. The workplan of the HRDWG and EC

Following the AEPR's endorsement at the Summit in November, the Core Team should make every effort to ensure that recommendations and follow-up items from the 2017 AEPR are placed on the workplan of the Human Resource Development Working Group (HRDWG – and other bodies as necessary) for at least the next 2 years as warranted, with advice to HRD Ministers in 2018 on priorities and implementation. Following further discussions and agreement among members of the Core Team, before its dissolution the Core Team could ask that the EC recommend to SOMs that they direct the HRDWG to make every effort to follow up on the AEPR.

We could also seek to find tie-ins between the theme of the AEPR and the work of the EC, including the EC's implementation of RAASR action plans. Efforts should also be made to ensure that collaboration between the HRDWG and EC on these issues remains strong, especially in the coming year.

### 3. High-level deliverables

The ultimate goal for the 2017 AEPR is also the most difficult – that this work would feed into a Ministerial or Leader-level initiative. The 2017 AEPR directly supports Vietnam's 1<sup>st</sup> and 3<sup>rd</sup> priorities. A high-level initiative could be developed in 2018 (host PNG) and 2019 (host Chile) that will have tie-ins to the 2017 AEPR. While such initiatives are the prerogatives of Leaders and subject to negotiations among APEC economies, the Core Team should discuss ways to ensure that the AEPR provides "the highest octane fuel" for any such initiative.

#### 4. Tracking of outcomes

A “post-Core Team” consisting of volunteer representatives of a few APEC economies should be created to track follow-up on the recommendations of the 2017 AEPR, including projects and work by APEC forums and sub-forums, as well as any reference to the AEPR in high-level events and initiatives. The “post-Core Team” would ideally provide a short report to the EC and HRDWG in 2019 during Chile’s host year, and a comprehensive final report in 2021 during New Zealand’s year.