



Asia-Pacific  
Economic Cooperation

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**2007/SOM3/EC/041arev1**

Agenda Item: 1

## **Chinese Taipei's Checklist Report-Back - Presentation**

Purpose: Information

Submitted by: Chinese Taipei



**Economic Committee Meeting  
Cairns, Australia  
28-29 June 2007**

# Chinese Taipei's Checklist Report-back

The APEC Economic Committee II Roundtable Discussion  
APEC-OECD Integrated Checklist on Regulatory reform  
Cairns Convention Center, Cairns, Australia  
June 28, 2007

Council for Economic Planning and Development  
Chinese Taipei

## Participating Agencies

The Committee of Laws and Regulations, the Cabinet  
Research, Development, Evaluation Commission  
Legal Affairs Committee, Ministry of Justice

Council for Economic Planning and Development  
Fair Trade Commission

Bureau of Foreign Trade, Ministry of Economic Affairs (MOEA)

Public Construction Commission

Construction and Planning Agency, Ministry of Interior

Bureau of Standards, Metrology, and Inspection, MOEA

Investment Commission, MOEA

Department of Investment Services, MOEA

## Presentation Outline

- The Integrated Policies
  - Conference on Sustaining Chinese Taipei's Economic Development (COSTED)
  - The First-Stage Three-Year Sprint Program
  - Free Trade Zones
- Regulatory Quality Policies
  - The Legal Basis for RIA
  - Operational Flowchart for General Law Proposal
  - The Assessment Checklist for Law Proposal
  - Operational Flowchart for Significant Law Proposal
- Competition Policies
- Market Openness Policies
- Epilogue

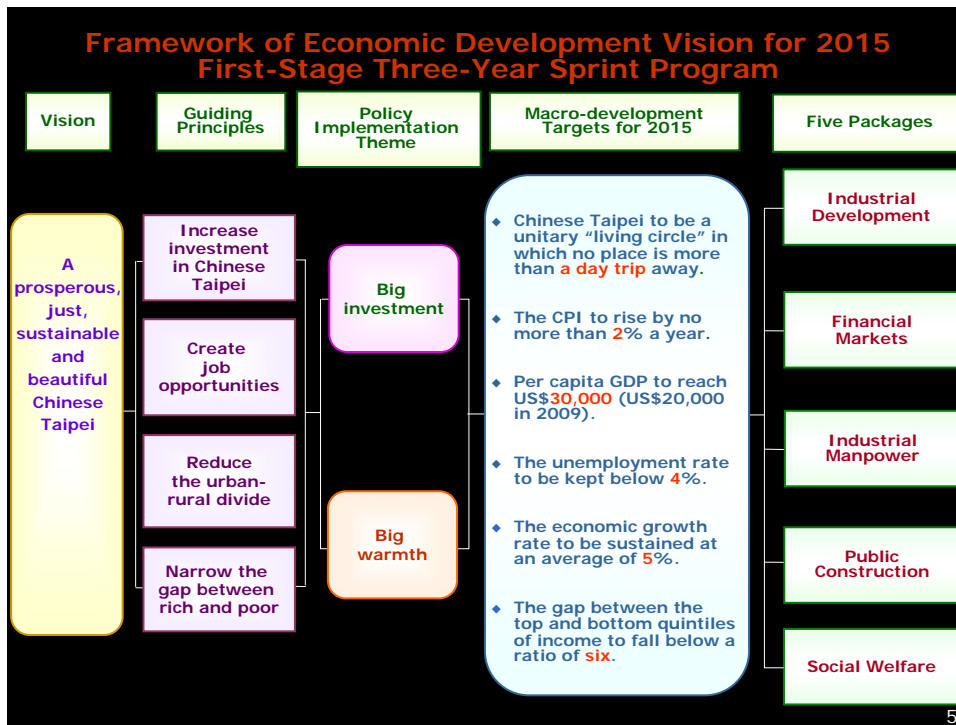
3

## Conference on Sustaining Chinese Taipei's Economic Development (COSTED)

### Major consensuses

- To establish a complete social security system
- To enhance industrial competitiveness
- To strengthen financial reform
- To improve global deployment and cross-strait economic relations
- To upgrade government efficiency

4

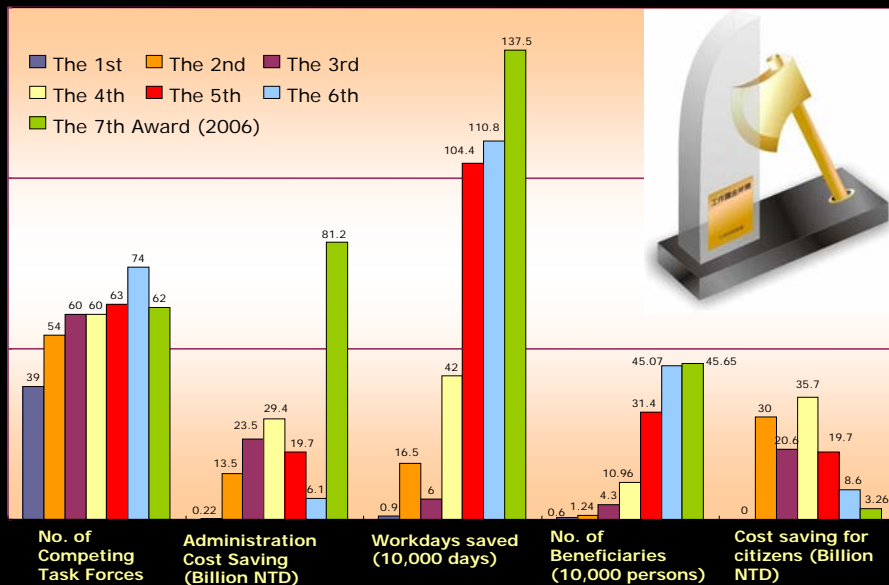


## Chinese Taipei's Checklist Forum (June 27, 2006)



7

## The Golden Axe Awards



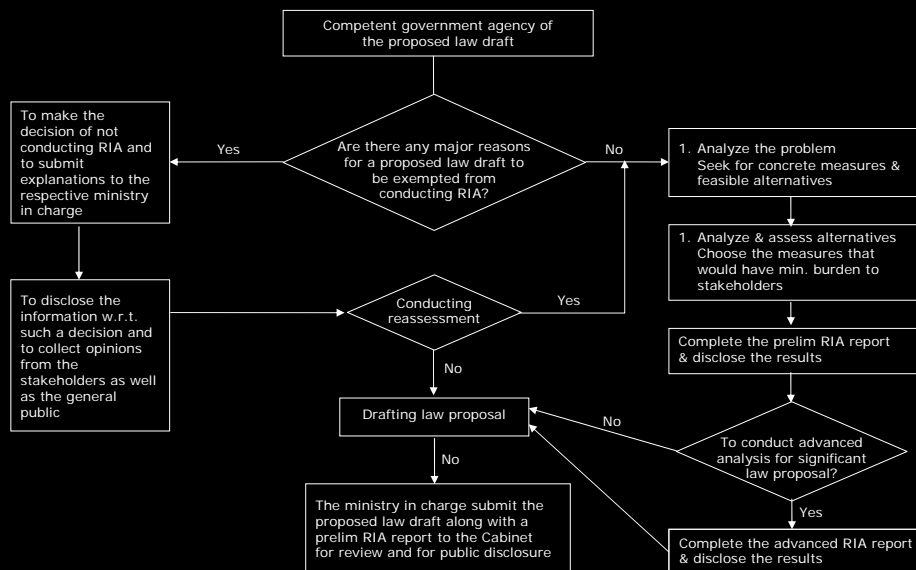
8

## The Legal Basis for RIA

- Administrative Appeals Act (1998, 2001)
- Administrative Execution Act (1998, 2007)
- Administrative Litigation Act (1999)
- Government Archive Act (1999)
- Administrative Procedural Act (1999, 2001)
- Guidelines on Central Administrative Agencies' Legal Matters (1977, 2004)
- Guidelines for Bills Submitted by Cabinet Agencies for Review (2004)
- Government Information Disclosure Act (2005)
- Administrative Penalty Act (2006)

9

## Operational Flowchart for General Law Proposal



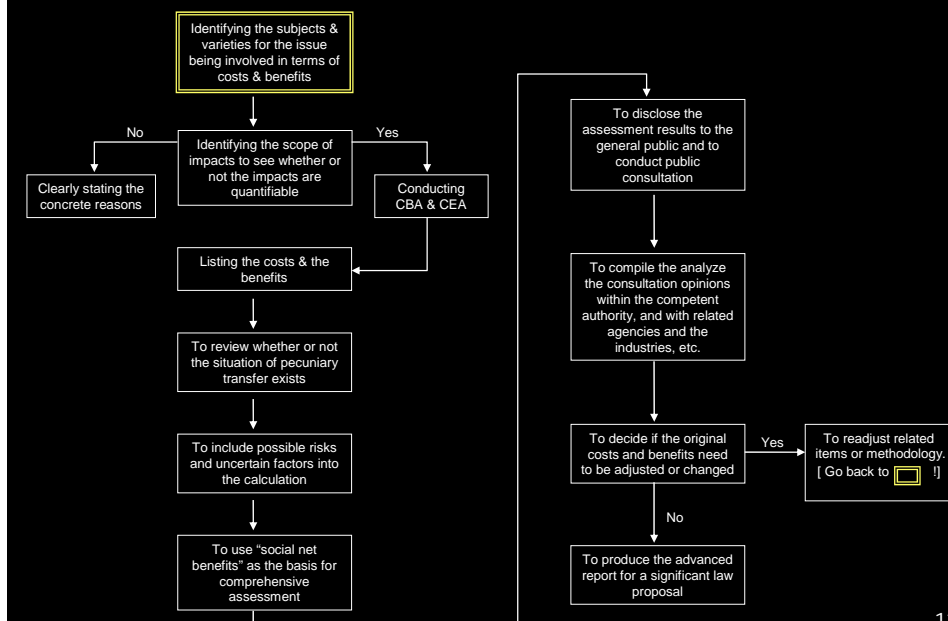
10

## The Assessment Checklist for Law Proposal (1/3)

1. Describing Issues of the Proposed Law
  - (1) Related issues being involved
  - (2) Any reasons for being exempted from this checklist assessment procedure
2. Providing the Background Information
  - (3) The current legal environment
  - (4) The possible agencies, industries, people being impacted by the proposed law in terms of costs, obligations and rights, as well as change in welfare
3. Formulating the Problem
  - (5) Is the matter a set government policy or a legal obligation for amendment?
  - (6) Any difficulties or obstacles occurred in the current social or market mechanism?
  - (7) Any difficulties or obstacles occurred in current government institutions or legal operations?
  - (8) Other causes?
4. Setting the Targets to be Achieved
  - (9) Clear delineation for the scope of the problem and the linkage with the matter to be resolved
5. Identifying the Possible Alternative Measures
  - (10) Maintaining the status quo
  - (11) Possible extrajudicial alternatives
  - (12) Possible judicial alternatives
  - (13) Other measures
  - (14) List of Prelim-formulated alternatives
6. Conducting Regulatory Feasibility Assessment (RFA)
  - (15) If SMEs are involved, it is to conduct the Regulatory Feasibility Assessment for them.
7. Engaging in Public Consultation Process
  - (16) whether or not consultation documents are well prepared and public opinions are being solicited?
  - (17) Active opinion consultation
  - (18) Records for the consultation process
8. Undertaking policy assessment
  - (19) Compilation of the public opinions and records of consultation
  - (20) Conducting CBA for each possible alternatives
9. Choosing the Policy Measure to be Implemented
  - (21) The concrete contents for the chosen measure
  - (22) The reason for the particular choice
  - (23) Whether or not to conduct the advanced analysis

11

## Operational Flowchart for Significant Law Proposal



12

## Competition Policies

### C5. Independent Competition authority

- Fair Trade Commission (established on Jan. 27, 1992)
- Key points of the draft 4<sup>th</sup> amendment to Fair Trade act
  - To adjust the classification of anti-competition and unfair competition conducts
  - To detail the regulation of punishment
  - To be in coordination with the government reform as a whole
  - To limit the scope of materials and files available for access.
- Specialty Specialization of FTC personnel(212, as of the end of 2006)
  - Law: 60 persons (28%)
  - Economics: 36 persons (17%)
  - Others: 121 persons (55%)(The "Others" category includes business administration, information, statistics, accounting, and other fields.)

APEC Competition Policy and Law database (<http://www.apeccp.org.tw/>)

13

## Market Openness Policies

### D7. Harmonized international standards

- WTO TBT Agreement
- The rates of harmonized international standards being used as the basis for technical regulations in sectors of electrical/electronic products, chemical products, measuring instruments are 100%, 89% and 81% respectively.

14



## Epilogue

- Awareness raising and capacity building program
- Cross-agency coordination and cooperation
- Accumulation of know-how with a designed institutional arrangement

15

*Thank you very much  
for your kind attention*

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16