Governance Improvements of APEC Fora and Joint Regulatory Advisory Committee

Purpose: Information
Submitted by: APEC Secretariat
Governance Improvements of APEC fora and JRAC

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Governance Improvements of APEC Fora: Background

Proposal by Australia and endorsed at SOM 2 2017 (2017/SOM2/002):
1. Monitoring and enforcing quorum across all sub-fora (Working Groups/Sub-Committees)
2. Adopting and enforcing a consistent approach to the operation of sunset clauses across all sub-fora
3. New instructions for the governance of Friends of the Chair (FoTC).

Terminology:
• Sub-fora (=SCSC)/Working Groups/Sub-committees: sectoral and technical working level groups reporting to Committees.
• Sub-group (= JRAC): established under Working Groups/Sub-Committees to address specific areas under the Working Groups/Sub-Committee’s scope.
Annex 1

ASIA-PACIFIC ECONOMIC COOPERATION

APEC Business Advisory Council
- Regional Economic Integration Working Group
- Connectivity Working Group
- MSME & Entrepreneurship Working Group
- Sustainable Development Working Group
- Finance & Economics Working Group

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Leaders’ Meeting

Ministerial Meeting

Senior Officials’ Meeting
- Friends of the Chair
  - Connectivity
  - Urbanization
- Ad Hoc Steering Group
  - Internet Economy
- Policy Partnership and others
  - Food Security
  - High Level Policy Dialogue on Agricultural Biotechnology
  - Chief Science Advisors and Equivalents

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Committee on Trade and Investment
- Sub-committee
  - Business Mobility Group
  - Electronic Commerce Steering Group
  - Group on Services
  - Investment Experts Group
  - Intellectual Property Rights
  - Market Access Group
  - Sub-Committee on Standards and Conformance
  - Sub-Committee on Customs Procedures
- Friends of the Chair
  - Trade Facilitation
  - FTAAP

Budget and Management Committee
- Industry Dialogue
  - Automotive Dialogue
  - Chemical Dialogue
  - Life Sciences Innovation Forum
- Ad-hoc Public-Private Dialogue
  - APEC Alliance for Supply Chain Connectivity
  - Environmental Goods and Services

Economic Committee
- Friends of the Chair
- Sub-Forum
  - Corporate Law & Governance
  - Ease of Doing Business
  - Public Sector Governance
  - Regulatory Reform
  - Strengthening Economic and Legal Infrastructure

SOM Steering Committee on ECOTECH
- Steering Council
  - Mainstreaming Ocean Related Issues
  - Travel Facilitation Initiative
- Policy Partnership
  - Women and the Economy
  - Science, Technology and Innovation

Working Group and Task Force
- Agricultural Technical Cooperation
- Anti-Corruption and Transparency
- Counter Terrorism
- Emergency Preparedness
- Energy
- Experts Group on Illegal Logging and Associated Trade
- Group of Friends on Disability
- Health
- Human Resource Development
- Mining Task Force
- Ocean and Fisheries
- Small and Medium Enterprises
- Telecommunications and Information
- Tourism
- Transportation

* In addition to the above, a number of sub fora exist as part of the APEC Structure that are not reflected in the chart.

As of 29 August 2017
SUBSIDIARY BODIES OF APEC WORKING GROUPS

As of 29 August 2017

Committee on Trade and Investment
- Electronic Commerce Steering Group
  - Data Privacy Subgroup (DPS)
  - APEC Cross Border Privacy Rules and EU Binding Corporate Rules Working Group (CBPR-BCR Working Group)
- Sub-Committee on Standards and Conformance
  - Joint Regulatory Advisory Committee on Electrical and Electronic Equipment (JRAC)
  - Food Safety Cooperation Forum (FSCF)
  - Specialist Regional Bodies (SRBs)
- Business Mobility Group
  - APEC Business Travel Card (ABTC) Working Group
  - Regional Movement Alert System (RMAS) Management Board
  - Online Lodgement Working Group (OLWG)

Transportation Working Group
- Intermodal and Intelligent Transport Systems Expert Group (IETG)
  - GNSS Implementation Team Sub-group (GIT)
- Land Expert Group (LEG)
  - Road and Rail Safety Sub-group (LEG-SAF)
  - Vehicle Standards Harmonization Sub-group (LEG-VSHG)
- Aviation Expert Group (AEG)
  - Air Services Sub-group (AEG-SRV)
  - Aviation Safety Sub-group (AEG-SAF)
  - Aviation Security Sub-group (AEG-SEC)
  - Aviation Emissions Taskforce (AET)
- Maritime Expert Group (MEG)
  - Maritime Security Sub-group (MEG-SEC)
- Women in Transportation Task Force (WIT)
- APEC Transport Card Task Force

Human Resource Development Working Group
- Education Network (EDNET)
- Labour and Social Protection Network (LSPN)
- Capacity Building Network (CBN)

Energy Working Group
- Expert Working Group on Clean Fossil Energy (EGCFE)
- Expert Working Group on Energy Data and Analysis (EGEDA)
- Expert Working Group on New and Renewable Energy Technologies (EGNRET)
- Expert Working Group on Energy Efficiency and Conservation (EGEEC)
- Low Carbon Model Towns Task Force (LCMT-TF)
- Energy Resiliency Task Force (ER-TF)

SOM Steering Committee on ECOTECH
- Policy Partnership on Science, Technology and Innovation
  - Sub-Group on Capacity
  - Sub-Group on Innovation
  - Sub-Group on Connectivity
- Anti-Corruption and Transparency Working Group
  - APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET)

ICT Development Steering Group (DSG)
- Security and Prosperity Steering Group (SPSG)
- Liberalisation Steering Group (LSG)
- Conformance and Assessment & Mutual Recognition Arrangement Task Force (CA MRA TF)

As of 29 August 2017
1-1 Monitoring and enforcing quorum across all sub-fora (Working Groups/Sub-Committees):

- A quorum constitutes attendees from 14 economies, unless an alternative quorum size is specified in the sub-forum’s Terms of Reference, and approved by SOM.
- Any sub-forum which fails to achieve a quorum at two consecutive meetings will be referred to Senior Officials for a decision on whether it should continue to exist.
- Quorum rule does not apply to groups in the first one or two years of operation (to allow new groups some flexibility in establishing their agenda and building support.)
- The Secretariat will monitor quorum compliance and report annually to SOM on any sub-forum which does not achieve a quorum at two consecutive meetings.
(APEC Secretariat is seeking Senior Officials’ approval (by 18 August) that:)

• Quorum applies to meetings of:
  ✓ Committees;
  ✓ Sub-Committees (including SCSC)/ Working Groups/Expert Groups that report to Senior Officials and Committees
  ✓ Finance Ministers Process
  ✓ Quorum does not apply to Friends of the Chair (FotC) groups, which are rather informal.

• SOM task BMC to work with the APEC Secretariat to develop recommendations, together with an accompanying taxonomy, for SOM’s consideration regarding when quorum requirement should apply to APEC groups other than APEC committees and sub-committees/expert groups/working groups that report to Senior Officials and Committees (= sub-groups including JRAC).

• remote participation is accepted when counting the number of participating economies at meetings.
2. Adopting and enforcing a consistent approach to the operation of sunset clauses across all sub-fora (=SCSC):

• Where sunset clauses are absent in TOR, Senior Officials instruct the sub-fora (including sub-groups) in question to immediately incorporate a sunset clause, which will ordinarily be four years in duration (two years for Task Forces)
• Progressively standardise all existing sunset clause durations where they differ from four years (two years for Task Forces)
• Sub-fora will cease to exist upon reaching the ‘sunset date’ unless renewal is explicitly approved by Senior Officials
JRAC Background

JRAC has started its activities since 1997 as a working group under SCSC.

1. Mutual Recognition Arrangement on Conformity Assessment of Electrical and Electronic Equipment (the MRA) (2000/SOM3/CTI/SCSC/JAC/007: annex) is the living document and core document for JRAC.

2. The MRA remains as a TILF Pathfinder and contain following three parts:
   - Part One—Information Exchange (18 economies) - deals with the exchange of information between participating member economies.
   - Part Two - Mutual Recognition of Test Reports (5 economies) - sets out the general principles relating to the acceptance of test reports and the mechanism for participating in this Part.
   - Part Three of this Arrangement - Mutual Recognition of Certification (4 economies) - sets out the general principles for the mutual recognition of certificates of conformity and the mechanism for participating in this Part.
Terms of Reference (2009/SOM2/SCSC/029) of JRAC has been revised in 2009.

1. MANDATE

1.1. The Joint Regulatory Advisory Committee (JRAC) is a body established by the APEC member economies for the purpose of:

- promoting and facilitating regulator to regulator dialogue and cooperation; and
- administering and facilitating the effective functioning of the APEC Mutual Recognition Arrangement on Conformity Assessment of Electrical and Electronic Equipment (the MRA).

(*JRAC work is not limited to the area of TILF Pathfinders)
Proposal on Revising the 2007 Guidelines for Pathfinder Initiatives (to be discussed CTI3)

**Potential Key Changes:**

1. Sunset clause of four (4) years may be applied.
2. More rigid reporting may be applied (by Chair for CTI annual report).
3. Termination of a pathfinder may be applied: After four (4) years unless the CTI (or relevant CTI sub-fora through CTI) recommends to continue the activities of that Pathfinder for a maximum of another four (4) years.
4. More rigid participation conditions may be applied.

- **JRAC to consider on the pathfinders and future activities.**