



**Asia-Pacific
Economic Cooperation**

2016/SOM1/CTI/052att
Agenda Item: 11

Best Practice Principles Checklist

Purpose: Consideration
Submitted by: CD Chair
Forum Doc. No.: 2016/SOM1/CD/008



First Committee on Trade and Investment Meeting
Lima, Peru
28-29 February 2016

No	Best Practice Principle	Yes	No	Yes	No
1.	CHEMICAL REGULATIONS SHOULD BE THE MINIMUM REQUIRED TO ACHIEVE THEIR STATED OBJECTIVES			<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Has a problem that justifies regulation been identified? • Has a case for regulatory action been made? <ul style="list-style-type: none"> ○ Have all relevant existing regulations at all levels of government been assessed to demonstrate that they do not adequately address the problem? ○ Is the regulatory action under consideration focused on achieving the objective, and targeted to achieve the objective (eg specifically and significantly mitigate an identified unacceptable risk)? 	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
	<ul style="list-style-type: none"> • Have all of the alternatives to government regulation been assessed, including consideration of existing requirements, self-regulation, co-regulation and non-regulation? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • Has a cost benefit analysis been done? <ul style="list-style-type: none"> ○ Has an appropriate baseline (ie how the world would look in the absence of the proposed action) been used? ○ Have all the benefits and costs of potentially effective and reasonably feasible alternatives been assessed? ○ Have all the impacts on consumers and business, particularly small business been assessed? ○ Have the benefits and costs of the preferred option been quantified and to the extent possible, monetized? ○ Have appropriate discount rates been used for benefits and costs that are expected to occur in the future? 	<input type="checkbox"/>	<input type="checkbox"/>		
2.	CHEMICAL REGULATIONS SHOULD ADOPT A RISK MANAGEMENT APPROACH TO DEVELOPING AND ADMINISTERING REGULATION			<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Has a risk assessment been undertaken? <ul style="list-style-type: none"> ○ Does the assessment adequately address exposure as well as hazard? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • If the problem involves unacceptable risks, have all the risks been properly identified? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • Is the level of intervention commensurate with the risk posed? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • Is there clear authority to take risk management actions? 	<input type="checkbox"/>	<input type="checkbox"/>		
3.	CHEMICAL REGULATIONS SHOULD MINIMIZE THE UNNECESSARY IMPACT ON COMPETITION			<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Will the regulations restrict competition? <ul style="list-style-type: none"> ○ Has the impact assessment identified impact on incumbent business? 	<input type="checkbox"/>	<input type="checkbox"/>		

	<ul style="list-style-type: none"> ○ Will it restrict entry on new business? ○ Has an assessment of prices and production been done? ○ Will quality of goods and services be affected? ○ Will innovation be restricted? ○ Will there be impacts on market growth? 				
	<ul style="list-style-type: none"> • If the regulations restrict competition, <ul style="list-style-type: none"> ○ Does the regulation maximise net benefits? ○ Can the objectives of the regulation be met any other way which does not restrict competition? 	<input type="checkbox"/>	<input type="checkbox"/>		
4.	CHEMICAL REGULATORS SHOULD UTILIZE INTERNATIONAL STANDARDS AS APPROPRIATE			<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Has guidance been developed for assisting regulators in assessing whether a standard being considered was developed in an open, transparent, consensus-based process in line with the WTO TBT Committee Decision (G/TBT/1/Rev1.2, Annex 2)? • Are such existing standards relevant? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • Can international standards be adopted instead of unique domestic regulations, as the basis for regulation? • Have unique local conditions been considered when determining the extent to which an international standard can be adopted? 	<input type="checkbox"/>	<input type="checkbox"/>		
5.	CHEMICAL REGULATIONS SHOULD NOT RESTRICT INTERNATIONAL TRADE FLOWS			<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Could the regulation act as a barrier to trade? <ul style="list-style-type: none"> ○ Has the potential impact on trade been assessed as part of the cost-benefit analysis or impact assessment? ○ Is there sufficient time provided between publication of the final regulation and its date of effect so as to allow market participants to adjust to the new requirements (including taking into account the need for translation, changes to manufacturing processes, shipping times, product already in the pipeline)? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • Does the regulation discriminate in favour of domestic products? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • Have all relevant trade agreements been considered? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • Has the WTO been notified? <ul style="list-style-type: none"> ○ Have comments from importers and foreign stakeholders and trading partners been assessed and reflected as appropriate? 	<input type="checkbox"/>	<input type="checkbox"/>		
6.	CHEMICAL REGULATIONS SHOULD BE DEVELOPED IN CONSULTATION WITH STAKEHOLDERS, SUBJECT TO PUBLIC REVIEW AND COMMENT AND PERIODIC REVIEW			<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Were the stakeholders most likely to be impacted identified and consulted early on in the process? 	<input type="checkbox"/>	<input type="checkbox"/>		
	<ul style="list-style-type: none"> • Were all stakeholders, including those outside of the economy, given an equal opportunity to access 	<input type="checkbox"/>	<input type="checkbox"/>		

	available documents (including the text of the regulatory proposal and any risk assessment or regulatory impact assessment) and provide timely input?				
	• Have all decisions been explained and feedback provided?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Has a timetable for monitoring and review been provided?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Is there a mechanism to ensure that all comments on a proposal are adequately addressed before it is finalised?	<input type="checkbox"/>	<input type="checkbox"/>		
7.	CHEMICAL REGULATIONS SHOULD BE FLEXIBLE, NOT PRESCRIPTIVE, AND BE COMPATIBLE WITH THE BUSINESS OPERATING ENVIRONMENT			<input type="checkbox"/>	<input type="checkbox"/>
	• Has the regulation been tested with business to ensure ease of implementation?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Does the regulation have clearly identifiable outcomes?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Has the regulation been drafted in plain easy to understand language?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Is the regulation performance based?	<input type="checkbox"/>	<input type="checkbox"/>		
8.	CHEMICAL REGULATORY DECISIONS SHOULD BE SCIENCE BASED			<input type="checkbox"/>	<input type="checkbox"/>
	• Is the regulatory action based on relevant and objective scientific and/or technological information and processes?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Are there established data and method quality criteria?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Does scientific information relied upon meet high standards for quality and meet any applicable data and method quality criteria?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Has all the available scientific information been considered in a weight of evidence evaluation?				
9.	CHEMICAL REGULATORY DECISIONS SHOULD HAVE A CLEAR DELINEATION OF REGULATORY RESPONSIBILITIES AND EFFECTIVE AND TRANSPARENT ACCOUNTABILITY MECHANISMS			<input type="checkbox"/>	<input type="checkbox"/>
	• Is the regulatory authority clearly identified?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Does the regulatory authority have the capacity and resources to effectively implement the requirement?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Have all relevant authorities for chemicals management been consulted and notified of changes?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Are the compliance requirements clear and unambiguous?	<input type="checkbox"/>	<input type="checkbox"/>		
	• Can the regulations be enforced?	<input type="checkbox"/>	<input type="checkbox"/>		