



**Asia-Pacific
Economic Cooperation**

Advancing Free Trade
for Asia-Pacific **Prosperity**

IFAP Implementation in Facilitating Investment for the Asia Pacific Region: 2014 Update

APEC Policy Support Unit
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The views expressed in this paper are those of the authors and do not necessarily represent those of APEC Member Economies. The authors would like to thank the IEG members for their submissions and comments for this report.

EXECUTIVE SUMMARY

This report analyzes the progress of five APEC member economies have made toward reaching IFAP implementation goals. The Policy Support Unit (PSU) was asked to assist the Investment Experts' Group (IEG) in preparing an analysis of the progress that APEC has made in implementing the agreed-upon IFAP principles and a review of APEC completed projects that are related with IFAP.

The PSU received and analyzed five submissions from member economies, and drew from secondary sources as an informative tool on international best practice and benchmarking.

The results show that reporting economies have made substantial progress toward implementing IFAP principles.

Some of the findings based on the voluntary submissions from the five economies are provided as follows:

Principle 1:	<ul style="list-style-type: none"> • Laws, regulations, judicial decisions are being published online – under several websites. • Investment Promotion Agency (IPA) acts as the single window for some economies • Investors can freely choose their form of establishment
Principle 2:	<ul style="list-style-type: none"> • System of land ownership and public or state owned property registration is in place • Foster the dissemination of accurate market reputation information • Disputes settlement mechanisms are available for conflicts between investors and host authorities as well as between private parties
Principle 3:	<ul style="list-style-type: none"> • Equal treatment for all investors in the operation and application of domestic laws and principles on investment • Demarcation of agency responsibilities for screening or authorising investment proposals is clear • Less clear are “fast-track” review procedures
Principle 4:	<ul style="list-style-type: none"> • Efforts to simplify and streamline application and, registration, licensing and taxation procedures through a one-stop authority for the lodgement of papers or through electronic means • “Silence is consent” rules are being applied • Economies are attempting to simplify and shorten the processing time and procedures for investment applications. • Efforts are being made to provide business services supporting investment
Principle 5:	<ul style="list-style-type: none"> • There is a mechanism to provide stakeholders with opportunity to comment on proposed changes for regulations and policies prior to their implementation • Promote the role of policy advocacy within IPAs
Principle 6:	<ul style="list-style-type: none"> • Economies are using internet and websites to improve online access and convenience • Members have promoted and administered International guidelines/norms for the protection of intellectual property
Principle 7:	<ul style="list-style-type: none"> • Some actions being reported to support periodic reviews of investment procedures ensure policies are simple, transparent and at the lowest possible cost
Principle 8:	<ul style="list-style-type: none"> • Measures exist to ensure effective compliance with commitments under international investment agreements and to accede major investment promotion conventions

	<ul style="list-style-type: none">• Active involvement in international and regional initiatives aimed at building investment facilitation and promotion expertise• Actions reported to periodically review existing international agreements and treaties to ensure their provisions continue to create an enabling environment for foreign investment.
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Secondary sources, such as the World Bank's Ease of Doing Business index, demonstrate the importance of implementing policy changes in order to foster a welcoming environment for international investment and maximize it as a tool for national development goals. Secondary sources, whenever available, are included in the analysis of each IFAP Principle as a reference.

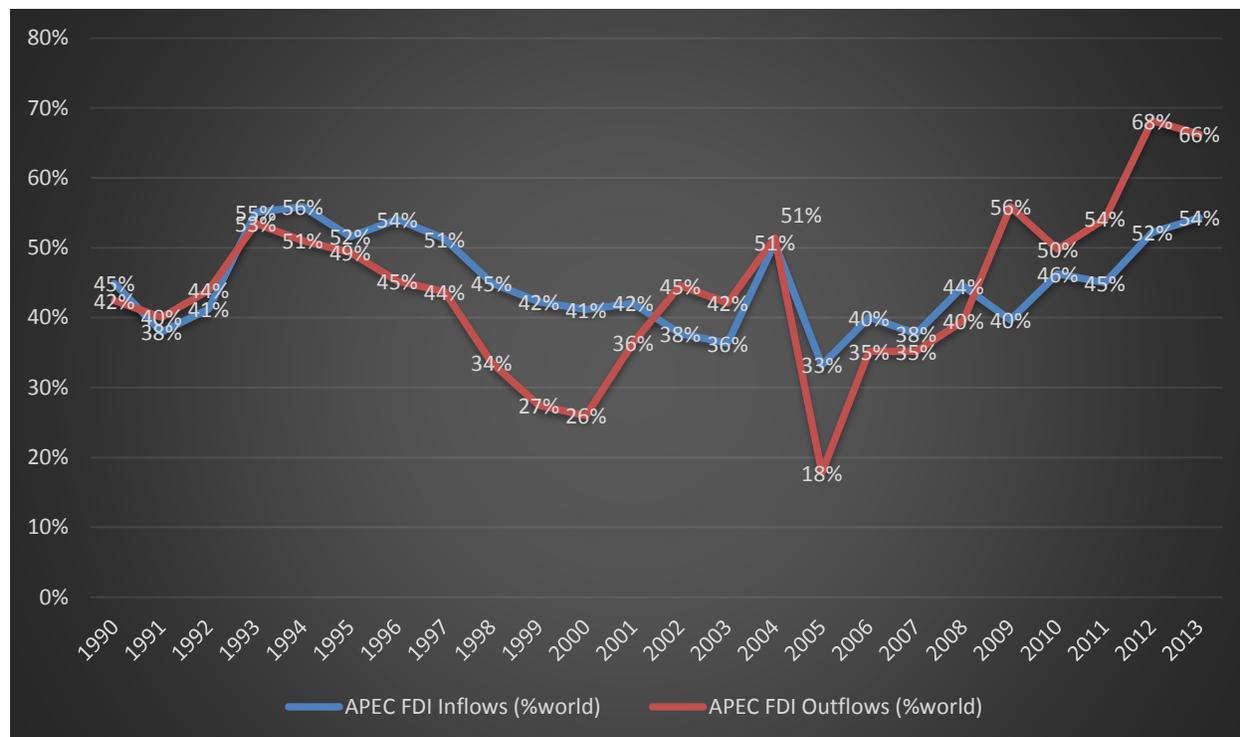
TABLE OF CONTENTS

1. INVESTMENT TRENDS IN THE ASIA PACIFIC.....	4
2. INVESTMENT FACILITATION – MENU OF ACTIONS AND MEASURES	10
IFAP PRINCIPLE 1	11
IFAP PRINCIPLE 2	14
IFAP PRINCIPLE 3	19
IFAP PRINCIPLE 4	21
IFAP PRINCIPLE 5	24
IFAP PRINCIPLE 6	26
IFAP PRINCIPLE 7	29
IFAP PRINCIPLE 8	29
3. CONCLUSION	32
4. REFERENCES	33
APPENDIX: VOLUNTARY SUBMISSIONS.....	34
BRUNEI DARUSSALAM.....	34
CANADA.....	43
MEXICO.....	51
NEW ZEALAND.....	63
PAPUA NEW GUINEA.....	72

1. INVESTMENT TRENDS IN THE ASIA PACIFIC

APEC Foreign Direct Investment (FDI) flows in 2013 accounted for 66% of global outflows and 54% of global inflows, showing the importance of the APEC region in facilitating global investment flows.

Figure 1: APEC FDI Flows (% of World Total)



Source: Calculated from World Investment Report 2014 (UNCTAD).

Indeed, while FDI stumbled during the Global Financial Crisis (GFC) of 2007-08, declining to USD 485 billion (inflows) and USD 654 billion (outflows) in 2009, the APEC region showed resilience and a rapid recovery, with FDI outflows soaring above pre-crisis level in 2011 and remaining stable since. In 2013, the top 5 recipients of FDI inflows in APEC were China (16%); Hong Kong, China (10%); Russia (10%); Singapore (8%) and the United States (24%).

In terms of inward FDI stock, Australia (USD 613b); Canada (USD 636b); China (USD 2.4t); Hong Kong, China (USD 1.1t) and United States (USD 2.7t) have the highest value of stock investment. In these FDI stocks, the sectoral allocation varied according to individual economies as described in table 1. Significant FDI presence is apparent in sectors such as energy (mining, petroleum and coke), finance, business services, trade and transport.

Table 1. Inward FDI Stock, APEC Economies (values in US\$ million)

#.	Economy	Total *	Primary	Secondary	Tertiary
1	Australia	613,233	213,631	93,743	239,002
2	Brunei Darussalam	13,302	-	-	-
3	Canada	635,950	111,740	182,226	349,273
4	Chile	90,444	32,124	10,128	48,181
5	China	2,401,612	61,667	1,490,844	939,804
6	Hong Kong, China	1,088,722	-	10,909	1,065,556
7	Indonesia	205,656	-	-	-
8	Japan	207,333	188	76,850	118,563
9	Korea, Republic of	203,412	-	81,093	113,847
10	Malaysia	132,623	12,267	61,264	59,093
11	Mexico	314,968	-	-	-
12	New Zealand	81,029	6,150	11,677	53,088
13	Papua New Guinea	4,596	-	-	-
14	Peru	22,020	6,153	3,065	12,802
15	The Philippines	31,027	-	-	-
16	Russian Federation	116,199	22,110	47,222	46,867
17	Singapore	517,336	-	105,688	403,267
18	Chinese Taipei	59,359	-	-	-
19	Thailand	185,689	2,627	80,962	88,921
20	United States	2,650,832	-	898,942	1,751,890
21	Viet Nam	210,522	6,445	105,939	98,138

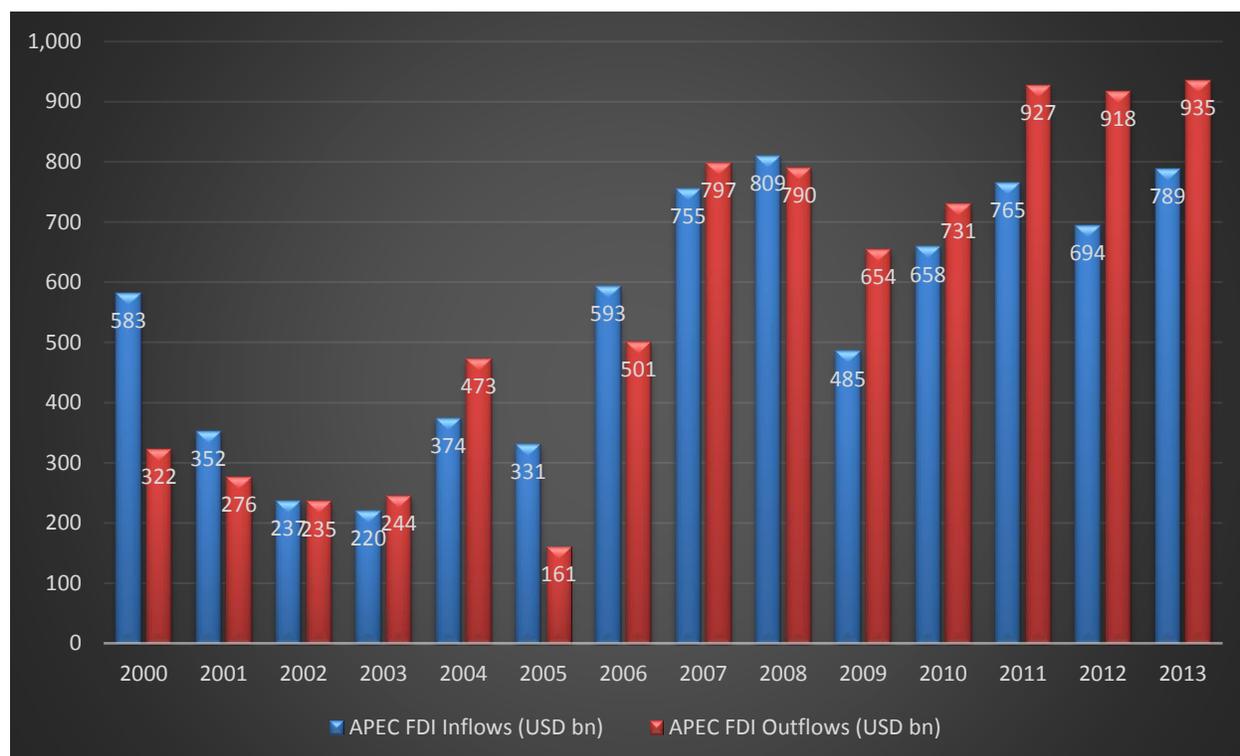
Note: 1. Data for the latest year available (2009-2012), from <http://www.investmentmap.org/>.

2. (*): Total value for merchandise and services.

Table 2. Inward FDI Stock, values in US\$ million

Australia	Stock	Canada	Stock	China	Stock	Hong Kong, China	Stock	USA	Stock
Mining and quarrying	212,347	Wholesale and retail trade	30,145	Agriculture and hunting	49,270	Business activities	723,888	Chemicals and chemical products	235,452
Finance	70,092	Business activities	139,326	Unspecified secondary	1,400,141	Wholesale and retail trade	106,094	Wholesale and retail trade	344,164
Unspecified secondary	93,743	Finance	85,369	Wholesale and retail trade	91,913	Transport, storage and communications	31,789	Other manufacturing	289,527
Transport, storage and communications	41,416	Petroleum	93,455	Finance	65,743	Construction	14,532	Finance	563,935
Wholesale and retail trade	56,020	Coke, petroleum products and nuclear fuel	46,076	Business activities	563,729	Finance	185,463	Other services	562,819

Source: <http://www.investmentmap.org/>

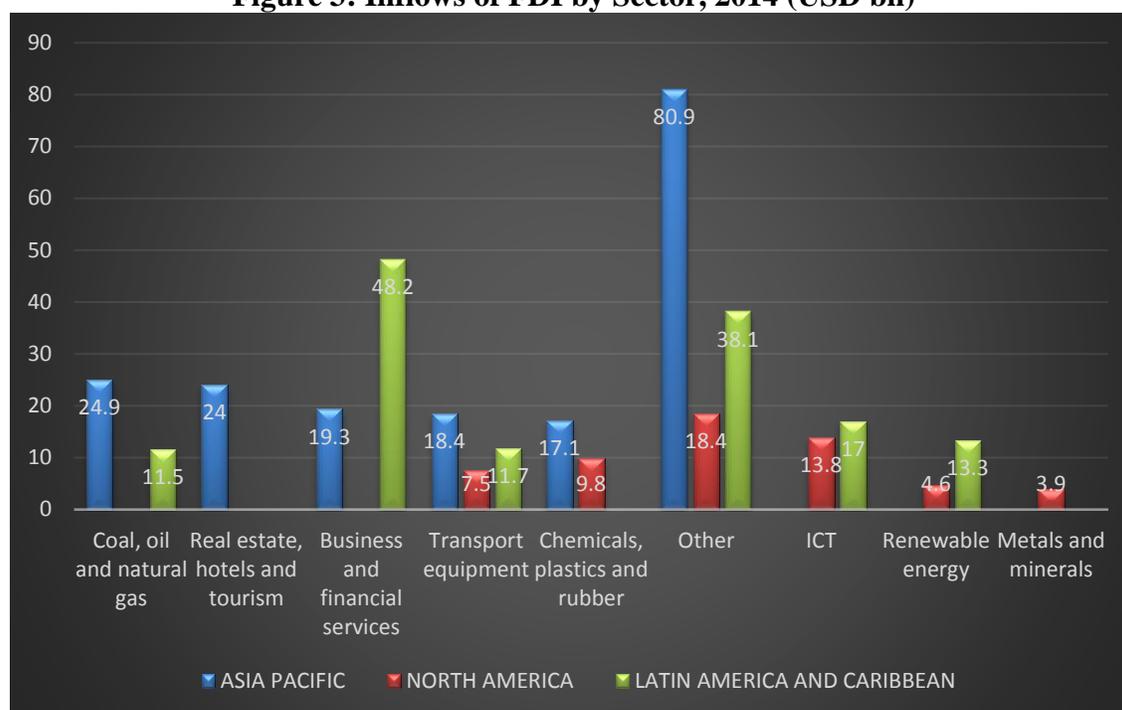
Figure 2: APEC FDI Flows (USD Bn)

Source: Calculated from World Investment Report 2014 (UNCTAD).

In terms of FDI sectoral inflows into the Asia Pacific¹, data from the Financial Times (figure 3) shows that ‘Coal, oil and natural gas’ is the highest FDI recipient with USD 24.9 bn, followed by ‘Real estate, hotels and tourism’ (USD 24 bn), ‘Business and financial services’ (USD 19.3 bn), Transport equipment (USD 18.4 bn) and ‘Chemicals, plastics and rubber’ (USD 17.1 bn). For the North America² region, ICT received the highest FDI Inflows (USD 13.8 bn) – while for Latin America, the ‘Business and financial services’ is ranked highest with USD 48.2 bn. These high trends of FDI inflows could be related with recent reforms in a particular sector. For example, a recent IEG project, Case Studies on the Best Practice of Sustainable Investment in APEC Region, found that Mexico has recently initiated a major reform in the telecommunication sector to enhance competition by allowing free FDI participation in telecommunications and satellite communications, and up to 49% of FDI in broadcasting subject to reciprocity.

¹ The economies covered under the term ‘Asia Pacific’ include mostly the Asia and Pacific region (excluding the North American region).

² This term covers the US and Mexico.

Figure 3: Inflows of FDI by Sector, 2014 (USD bn)

Source: Data from The fDi Report 2014 – Financial Times.

Globally, the largest FDI inflows occurred in Services, followed by Manufacturing and the Primary sector. Finance, Business Activities, Mining, Trade, and Unspecified Secondary (manufacturing) are the top five subsector where FDI flows to in 2010-2012 (table 3). UNCTAD (2014) noted a rising trend of liberalization in the mining industry; particularly in Africa followed by North and Latin America.

Table 3. Estimated global inward FDI flows, by sector and industry, 1990-1992 and 2010-2012 (millions of dollars)

Sector/industry	1990-92	2010-12	(2)/(1)
	(1)	(2)	
Total	175 997	1 484 203	8.43
Primary	14 491	144 141	9.95
Mining, quarrying and petroleum	13 747	138 178	10.05
Manufacturing	52 250	308 702	5.91
Food, beverages and tobacco	6 700	35 535	5.30
Chemicals and chemical products	7 877	49 085	6.23
Unspecified secondary	16 751	128 369	7.66
Services	97 041	975 554	10.05
Electricity, gas and water	3 720	36 712	9.87
Construction	1 018	27 935	27.45
Trade	19 248	128 480	6.68
Transport, storage and communications	5 125	49 900	9.74
Finance	29 043	452 444	15.58

Business activities	21 686	247 362	11.41
Unspecified	12 215	55 806	4.57

Source: World Investment Report, UNCTAD (2013).

For location motives for FDI, the fDi Report 2014 from from fDi Intelligence, Financial Times Ltd highlighted that access to market is seen as the most important motive for investors: with domestic market potential and proximity to market are cited as motives in 45% and 33% of projects respectively. The third most popular motives is ‘Regulations/business climate’ (20.6% of projects), followed by skilled workforce availability (17.7%) and infrastructure and logistics (8.5%).

Table 4. Location Motives for FDI in 2013

Motive	Projects	% of projects
Domestic market growth potential	840	45.4%
Proximity to markets or customers	611	33%
Regulations/business climate	380	20.6%
Skilled workforce availability	328	17.7%
Infrastructure and logistics	158	8.5%
Industry cluster/critical mass	119	6.4%
Attractiveness/quality of life	89	4.8%
IPA or government support	75	4%
Technology or innovation	57	3.1%
Lower costs	47	2.5%
Other motive	194	10.5%

Source: Data from fDi Markets, Financial Times.

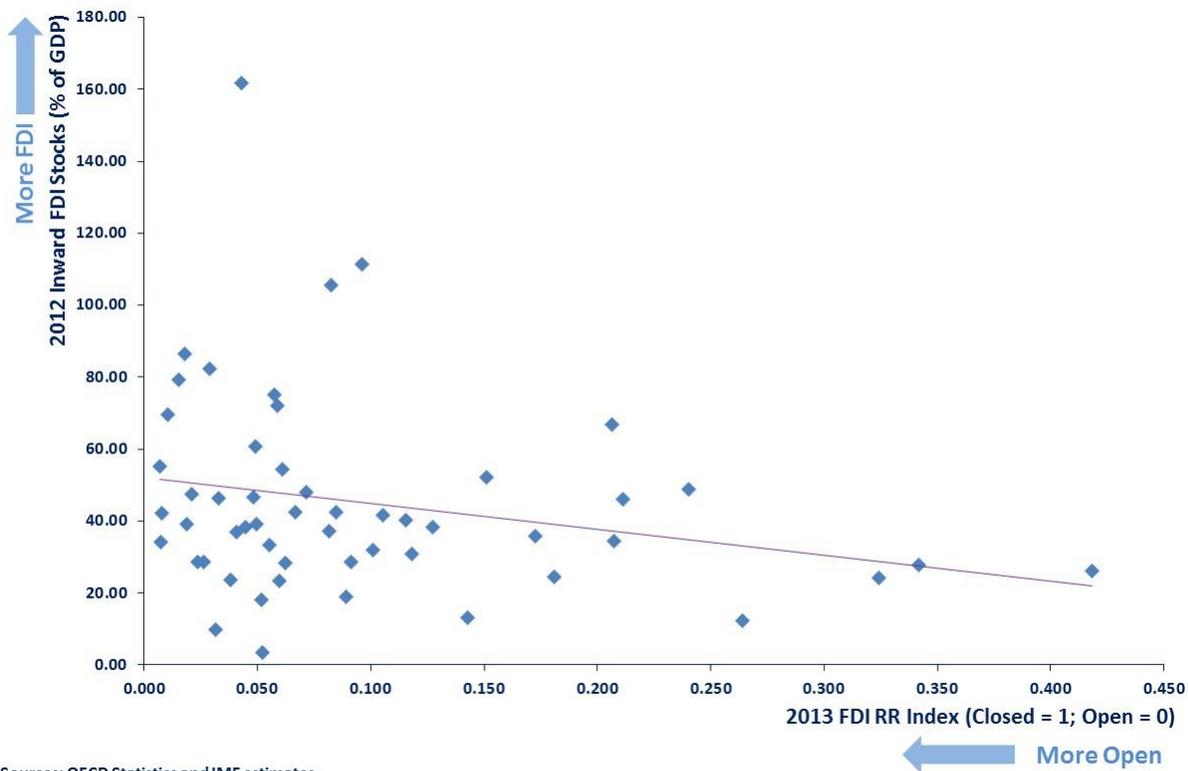
Investors’ motives to invest in FDI are essentially twofold: (1) production: attracted by costs and suppliers’ considerations for outsourcing or offshoring; and (2) market: in order to access the domestic market. For production consideration, global firms will need to ensure that they will have adequate support in terms of labor, business services and infrastructure. Secondly, to access the domestic market, global firms will also need to ensure adequate logistics support and the elimination of market restrictions.

Host governments often have certain restrictions of FDI, due to domestic considerations. Investors will need to weight against the benefits that they get from FDI and the additional costs that they have to bear related with the restrictions. The 2013 UNCTAD World Investment Report has noted that the share of FDI-related regulations and restrictions increased to 25 per cent and that:

“Governments made more use of industrial policies, adjusted previous investment liberalization efforts, tightened screening and monitoring procedures, and closely scrutinized cross-border M&As. Restrictive investment policies were applied particularly to strategic industries, such as extractive industries. In general, governments became more selective about the degree of FDI involvement in different industries of their economies.” (UNCTAD 2013b: xix)

In general, using the OECD FDI Regulatory Restrictiveness Index, it is found that fewer restrictions mean more FDI, as seen in Figure 4.

Figure 4. FDI stocks and FDI Regulatory Restrictiveness Index
(FDI RR Index scores vs FDI stocks as a share of GDP)



Sources: OECD Statistics and IMF Estimates.

Source: Chart is taken from OECD (<http://www.oecd.org/investment/fdiindex.htm>)

2. INVESTMENT FACILITATION – MENU OF ACTIONS AND MEASURES

Investment facilitation refers “actions taken by governments designed to attract foreign investment and maximise the effectiveness and efficiency of its administration through all stages of the investment cycle”.

APEC’s Investment Facilitation Action Plan (IFAP) aims to:

- strengthen regional economic integration;
- strengthen the competitiveness and sustainability of economic growth of APEC’s member economies;
- expand prosperity and employment opportunities in the APEC region; and
- make further progress toward achievement of the Bogor Goals.

In general, the eight IFAP principles are contained in a menu of actions and measures in dealing with issues of transparency, non-discrimination and settlement of disputes and to support an improved investment climate. A 2007 IEG report³ highlighted the following important behind-the-border barriers to investment:

- a) poor infrastructure;
- b) excessive regulation;
- c) corruption;
- d) policy uncertainty;
- e) weak legal systems, poor protection of property rights and ineffective arrangements for enforcement of contracts;
- f) regulatory barriers to market entry;
- g) policies that suppress competition and allow anti-competitive behaviour; and
- h) poorly functioning financial markets.

IFAP in particular addressed three of these barriers: excessive regulation, policy uncertainty, and poor protection of property rights and ineffective contract enforcement. At the broader level, IFAP will also help economies to attract efficiency-seeking FDI that will benefit the host economy in terms improving productivity and competitiveness.

The following sections will highlight the latest updates from five member economies related with the eight IFAP principles.

³ IEG (2007). “Enhancing Investment Liberalisation and Facilitation in the Asia-Pacific Region (Stage 2): Reducing Behind-the-Border Barriers to Investment”.

IFAP PRINCIPLE 1**Promote accessibility and transparency in the formulation and administration of investment-related policies****Table 1 Principle 1 Actions**

Specific Actions	Details of implementation
Publish laws, regulations, judicial decisions and administrative rulings of general application, including revisions and up-dates.	<p>Brunei Darussalam: Brunei Darussalam does this already as a matter of law and practice except for administrative rulings of general application.</p> <p>Canada: Canada does this already as a matter of law and practice</p> <p>New Zealand: Official versions of New Zealand legislation are available online at http://legislation.govt.nz. Judicial decisions are available online at https://forms.justice.govt.nz/jdo/Introduction.jsp and http://www.courtsofnz.govt.nz/from/decisions/judgments and http://www.nzlii.org/</p> <p>Mexico: Yes. Under the Federal Register (http://dof.gob.mx/ley-reg.php), the Chamber of Deputies of the Federal Congress (http://www.diputados.gob.mx/LeyesBiblio/index.htm), the Supreme Court of Justice. (http://www.scjn.gob.mx/normativa/Paginas/Legislacion.aspx and http://ius.scjn.gob.mx/paginas/tesis.aspx), and in the website “national legal order” (http://www.ordenjuridico.gob.mx/)</p> <p>PNG: Established within the National Court of PNG www.pngjudiciary.gov.pg www.justice.gov.pg www.paclii.org</p>
Adopt centralized registry of laws and regulations and make this available electronically.	<p>Brunei Darussalam: All national laws and regulations are published on the Attorney-General’s Chamber’s website: www.agc.gov.bn</p> <p>Canada: All national laws and regulations are published on the Justice Canada website: www.laws.justice.gc.ca</p> <p>New Zealand: Official versions of all New Zealand laws and regulations are available here: http://www.legislation.govt.nz/</p> <p>Mexico: Yes. See above.</p> <p>PNG: A website containing list of all laws in PNG and Pacific. www.paclii.org www.justice.gov.pg</p>
Establish a single window or special enquiry point for all enquiries concerning investment policies and applications to invest	<p>Brunei Darussalam: The Brunei Economic Development Board (BEDB) can help facilitate investment applications and coordinate inquiries with other agencies</p> <p>Canada: The Canadian Trade Commissioner Service is a single point of contact for all inquiries related to investing in Canada</p> <p>New Zealand: New Zealand Trade and Enterprise and the Overseas Investment Office field investment related enquiries: https://www.nzte.govt.nz/en/invest/ http://www.linz.govt.nz/overseas-investment</p> <p>Mexico: Yes. Under PROMEXICO, Mexico’s Investment Promotion Agency (promotion, softlanding and aftercare). http://www.promexico.gob.mx/es_mx/promexico/home</p> <p>PNG: Investment Promotion Authority of PNG launched its Online Registry in November 2013. www.ipa.gov.pg</p>
Make available all investment-related regulations in clear simple language, preferably in languages commonly used by business	<p>Brunei Darussalam: Investment-related laws and regulations are available on most relevant Government agencies’ websites</p> <p>Canada: Comprehensive information about investment laws and regulations is available online through Canadian government websites</p> <p>New Zealand: The Overseas Investment Office publishes guidelines and other information about investment regulations that are targeted at business users: http://www.linz.govt.nz/overseas-investment</p> <p>Mexico: Yes, as above. Additional information pertaining investment may be found at: http://www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-</p>

	<p>directa/asuntos-juridicos All laws and regulations are available in Spanish.</p> <p>PNG: All laws and regulations are in English and amended to facilitate Online registry and universally accessible anywhere and anytime.</p>
Following establishment of an Investment Promotion Agency (IPA), or similar body, and make its existence widely known	<p>Brunei Darussalam: BEDB is an economic development agency to grown and diversify Brunei Darussalam's economy. One of our key focuses is to promote Foreign Direct Investments in Export-Oriented Manufacturing and Services in Brunei</p> <p>Canada: Invest in Canada is an investment promotion initiative managed by the Department of Foreign Affairs, Trade, and Development</p> <p>New Zealand: New Zealand Trade and Enterprise promotes foreign investment in New Zealand: https://www.nzte.govt.nz/en/invest/</p> <p>Mexico: Yes. By Presidential Decree, PROMEXICO was created in 2007 in order to promote foreign trade as well as foreign direct investment. http://www.promexico.gob.mx/es_us/promexico/Mision_vision_valores_y_objetivos http://www.promexico.gob.mx/work/models/promexico/Resource/85/1/images/DecretoProMexico.pdf</p> <p>PNG: Through an Act of Parliament to facilitate investment through regional & global arrangements. www.ipa.gov.pg</p>
Make available to investors all rules and other information relating to investment promotion and incentive schemes	<p>Brunei Darussalam: Information is available on BEDB's website and can also be obtained from MIPR</p> <p>Canada: In addition to the online resources available, prospective investors are encouraged to connect with the local office of the Trade Commissioner Service</p> <p>New Zealand: In place</p> <p>Mexico: Yes. See investment support schemes at PROMEXICO's website. http://mim.promexico.gob.mx/wb/mim/inicio/_lang/en</p> <p>PNG: Related rules and information are provided & available on the websites: www.ipa.gov.pg; www.irc.gov.pg</p>
Allow investors to choose their form of establishment within legislative and legal frameworks.	<p>Brunei Darussalam: Investors can choose their form of establishment within domestic legislative and legal frameworks</p> <p>Canada: Investors can choose their form of establishment within domestic legal frameworks and Canada's international commitments</p> <p>New Zealand: Investors can choose their form of establishment within legislative and legal frameworks. New Zealand ranks first for 'starting a business' in the World Bank Doing Business Survey</p> <p>Mexico: Yes. In general (and in non-regulated sectors) investors are free to organize in the matter they see fit, whether through a branch or a legal corporation.</p>
Ensure transparency and clarity in investment-related laws	<p>Brunei Darussalam: Brunei Darussalam does this already as a matter of practice. Need for further improvements are regularly taken into account</p> <p>Canada: In Place</p> <p>New Zealand: Official versions of New Zealand's laws and regulations are available at: http://www.legislation.govt.nz/. The Government's Directive Letter to the Overseas Investment Office (setting out the Government's general policy approach to overseas investment) is available at http://www.linz.govt.nz/sites/default/files/docs/overseas-investment/oio-publications-ministerial-directive-letter.pdf. New Zealand's overseas investment legislation was last reviewed in 2009/2010 and changes were put in place to improve clarity and transparency – see http://www.treasury.govt.nz/publications/informationreleases/overseas-investment/review2009</p> <p>Mexico: Yes. According to the Federal Law of Administrative Procedure, proposals for the issuance of a federal rule of general application must be accompanied by a cost-benefit analysis (Regulatory Impact Assessment) and go through a mandatory prior</p>

	<p>public consultation administered by COFEMER, the federal regulatory oversight body. http://www.cofemer.gob.mx/ http://www.diputados.gob.mx/LeyesBiblio/pdf/112.pdf PNG: PNG is a signatory to IPPA and other investment guarantee laws www.dfat.gov.pg www.dci.gov.pg www.justice.gov.pg</p>
<p>Improve upon the APEC-wide website (e-portal) to replacing the hard copy publication of the APEC Investment Guidebook (IEG)</p>	<p>Mexico: Yes. Both the website of the Ministry of Economy and the website of APEC have the investment guide that can be downloaded or printed. http://www.economia.gob.mx/files/comunidad_negocios/ied/guia_inversionista.pdf http://publications.apec.org/publication-detail.php?pub_id=1158</p>
<p>Encourage on-line enquiries and on-line information on all foreign investment issues</p>	<p>Brunei Darussalam: Information is available on BEDB's website Canada: Information related to foreign investment in Canada is available through the Invest in Canada online portal. Mexico: Yes. Both the Directorate-General of Foreign Investment and PROMEXICO may receive online enquiries. New Zealand: Information is available online here: https://www.nzte.govt.nz/en/invest/ http://www.linz.govt.nz/overseas-investment PNG: PNG's IPA website was launched in November 2013 for online enquiries and registration. www.ipa.gov.pg</p>
<p>Maintain a mechanism to provide timely and relevant advice of changes in procedures, applicable standards, technical regulations and conformance requirements</p>	<p>Brunei Darussalam: Relevant agencies will update changes on technical regulations and standards through their websites. Changes to laws and regulations will be updated through the Government Gazette. Canada: The Canada Gazette contains formal public notices, official appointments, proposed regulations, regulations and public Acts of Parliament Mexico: Yes. See above. http://www.cofemer.gob.mx/ New Zealand: Updates are available via the Overseas Investment Office: http://www.linz.govt.nz/overseas-investment/about-oio/news PNG: Public-private stakeholder consultations</p>
<p>To the extent possible, provide advance notice of proposed changes to laws and regulations and provide an opportunity for public comment</p>	<p>Brunei Darussalam: In general, Brunei Darussalam do not practice this Canada: Through the Canada Gazette the government consults the public in the regulatory process. All Canadians have a chance to submit their comments to the relevant department or agency responsible for the proposed regulations before they are enacted or published Mexico: Yes. See above. http://www.cofemer.gob.mx/ New Zealand: Standard legislative practice in New Zealand requires that there be several stages that a bill passes before becoming an Act of Parliament. These stages ensure that a bill is subject to public debate and scrutiny and for a bill to be changed. Regulations must not come into force until at least 28 days after they have been notified in the <i>New Zealand Gazette</i>. The rule reflects the principle that the law should be available and capable of being understood before it comes into force. These and other procedures are reflected through New Zealand's existing international trade obligations relating to transparency. PNG: There is a continuous consultation between state and industry stakeholders in any business and investment matters that will have significant impact on both parties. All such consultations are mandatory</p>
<p>Explore the possibility of using the international benchmarks on a voluntary basis as a reference point for peer dialogue and measuring progress</p>	<p>Brunei Darussalam: As an active member of various international forums including APEC, Brunei Darussalam gives due consideration to international best practices in developing its policies Canada: Consideration is given to international best practices in the development of Canada's foreign investment policies Mexico: Yes. The public and private dialogues as well as recommendations submitted on international fora in which Mexico participates, such as APEC, serve as a reference point. Also, there are</p>

	<p>conferences and meetings organized by PROMEXICO to approach investors.</p> <p>New Zealand: New Zealand considers international best practice in developing foreign investment policy.</p> <p>PNG: Using EoDB report</p>
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Source: Member economies' submissions, summarized.

In terms of the publication of laws, the five economies have their laws published in websites and in languages commonly used by business. Economies could perhaps further improve in terms of regularly updating of the websites and track the rate of users' satisfaction in getting the needed information from the websites. Providing a single source for investment policy related information would also be useful.

For the single window of enquiry, the five economies have also appointed a certain agency to handle (online) enquiries for investment policies and applications with most turning to their Investment Promotion Agencies (IPA) to handle the task. Additionally, IPAs also provide investors information pertaining to investment promotion and incentive schemes. Investors can freely choose their legal form of establishment. Economies could improve their advance notification and public and/or stakeholders consultation processes; particularly in reaching out for international investors. Additional examples are given by SelectUSA which addresses several actions under IFAP principles 1, 2, 4, 5 and 8.

Accessibility and transparency in investment-related policies is a key consideration for investors in deciding where to place a new business investment. This factor will be even more crucial for new (foreign) investors who are not familiar with the visiting rules and regulations covering a particular business sector. The Business and Industry Advisory Committee to the OECD (BIAC) emphasized the benefits of transparency as follows (OECD 2003: 37-38):

“From a business point of view transparency reduces risks and uncertainties, promotes patient investment, reduces opportunities for bribery and corruption, helps unveil hidden investment barriers and draws the line between genuine and less genuine policy objectives, assists investors dealing with “thin” rules, discourages ‘conflicting requirements’ situations between home economy or host economy, contributes to the playing field among firms and facilitates sustainable development”

IFAP PRINCIPLE 2

Enhance stability of investment environment, security of property and protection of investment

Table 2 Principle 2 Actions

Specific Actions	Details of implementation
Establish timely, secure and effective systems of ownership registration and / or property use rights for land and other forms of property	Brunei Darussalam: Foreign nationals are not allowed to own land except otherwise approved by the Government of Brunei Darussalam. However, permanent residents, and foreigners are allowed to purchase and have outright ownership of units in a multi-story building which has strata titles. Companies are allowed to lease land for their industrial activities. Land with facilities are available for industry, agriculture, agro forestry and aquaculture for a lease term of 10 to 30

	<p>years and lease can be further extended. Lease rates vary with respect to the location.</p> <p>Canada: In Place</p> <p>Mexico: Yes. The public registries of property and land cadastre offices represent one of the cornerstones to guard and establish property rights in Mexico. The public registries of property offices are responsibilities of State governments, and land cadastre offices are responsibilities of Municipalities.</p> <p>New Zealand: New Zealand's Land Register is secure, electronic, and publically searchable. It enables solicitors/conveyancers to electronically search and register dealings against land registers ("edealing") – see http://www.landonline.govt.nz/about-landonline/introduction and http://www.linz.govt.nz/survey-titles/land-records/how-to-order - you can order land records online.</p> <p>PNG: PPSA Drafted & enacted in by Parliament, IPR Act in 2001. www.justice.gov.pg www.ipong.gov.pg</p>
<p>Create and maintain an effective register of public or state owned property.</p>	<p>Canada: Directory of federally owned real property is maintained and published by the Treasury Board of Canada Secretariat</p> <p>Mexico: Yes. The public property registry was created to develop an effective and updated database of public or state owned property. http://www.consejeria.df.gob.mx/detalle.php?contenido=MjA=&direccion=NQ==&</p> <p>New Zealand: New Zealand's Land Register is secure, electronic, and publically searchable. It enables solicitors/conveyancers to electronically search and register dealings against land registers ("edealing") – see http://www.landonline.govt.nz/about-landonline/introduction and http://www.linz.govt.nz/survey-titles/land-records/how-to-order - you can order land records online. It is a world-leading system (http://www.linz.govt.nz/about-linz/news-publications-and-consultations/corporate-publications/annual-report/annual-report-0910/introduction/from-the-ce) that has received favourable reviews (http://my.lawsociety.org.nz/news/2012/landonline-system-world-leading). New Zealand is also ranked second in the World Bank's <i>Doing Business</i> Survey for 'registering property'.</p> <p>PNG: An independent entity under its own Act to manage all state enterprises and investments. www.ipbc.gov.pg</p>
<p>Ensure costs associated with land transactions are kept to a minimum including by fostering competition.</p>	<p>Brunei Darussalam: Land duty is charged at B\$25.00 per 0.1 hectare for industrial site. Brunei Darussalam has no sales or capital gain taxes. Profits from the sale of capital assets are not taxable and capital losses are not deductible. Profits are only taxable if assets are acquired specifically for resale or the gains from the sale of assets form part of a company's regular business income. Stamp duty is levied on a variety of documents. Certain types of documents attract an ad valorem duty, whereas duty on documents may vary depending on the nature of documents. Levied (subjects to review) on lands, houses and buildings within any Municipal Board area.</p> <p>Canada: Canada has a well-developed private marketplace in the real property sector</p> <p>Mexico: Yes. See above.</p> <p>New Zealand: Whilst there is currently no central register of public or state owned property (administering departments administer their own land portfolios), in September 2012 LINZ implemented a new joint land information management system, NaPALIS, with the Department of Conservation. This system integrated a large number of previous systems and enables improved management and reporting by LINZ. The system is being made available to other public sector organisations http://www.linz.govt.nz/about-linz/news-publications-and-consultations/corporate-publications/crown-land.</p> <p>PNG: Reforms are being looked at by the Government since 2009 to make efficient and transparent the process in acquiring and purchasing land. www.land.gov.pg www.nri.org.pg</p>
<p>Foster the dissemination of accurate market reputation information including creditworthiness and reliability</p>	<p>Canada: In Place</p> <p>Mexico: Yes. See above.</p> <p>New Zealand: In addition LINZ established the Crown Property Centre of Expertise in relation to Crown Asset management (http://www.linz.govt.nz/node/8206)</p>

	<p>LINZ's 10 year strategy "the power of where" and its focus on the provision of geospatial or location based information should help in the more ready identification of Crown Land.</p> <p>PNG: Some significant reforms made to financial sectors (especially banks and financial institutions) in PNG administered by Bank of PNG under the Central Bank Act of 2000. www.bankpng.gov.pg</p>
<p>Explore the possibility of using the World Bank <i>Doing Business</i> indicator "Enforcing Contracts" as the basis for peer dialogue and benchmarking and measuring progress across APEC</p>	<p>Mexico: Yes. <i>Doing Business</i> indicators serve as a basis for benchmarking and measuring progress. According to data collected by <i>Doing Business</i>, in Mexico, enforcing a contract takes 400 days, costs 31.0% of the value of the claim and requires 38 procedures. In the 2014 edition, globally, Mexico stands at 71 in the ranking of 189 economies on the ease of enforcing contracts.</p> <p>New Zealand: Land registration fees are currently set on a cost recovery basis and in efficiencies have been gained by introducing the electronic system.</p>
<p>Encourage or establish effective formal mechanisms for resolving disputes between investors and host authorities and for enforcing solutions, such as judicial, arbitral or administrative tribunals or procedures</p>	<p>Brunei Darussalam: Brunei Darussalam's legal system provides different mechanisms for resolving disputes between investors and host authorities.</p> <p>Brunei Darussalam is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the "New York Convention") and the International Convention on Settlement of Investment Dispute (ICSID)</p> <p>Canada: Canada's open, transparent and predictable justice system allows foreign investors to seek recourse in the case of a dispute through domestic courts. Canada's comprehensive Free Trade Agreements (FTAs) and Foreign Investment Promotion and Protection Agreements (FIPAs) provide investors with access to international arbitration. Canada is a party to 27 FIPAs and 8 FTAs which contain provisions for investor-state dispute settlement</p> <p>Mexico: Yes. The Mexican legal system provides different mechanisms for resolving disputes between investors and host authorities, where foreigners have access to the same conditions as nationals.</p> <p>New Zealand: Information on the New Zealand investment climate is available from a wide variety of sources.</p> <p>PNG: PNG's mediation rules were launched in 2010 with more than 100 mediations completed. www.justice.gov.pg www.pngjudiciary.gov.pg</p>
<p>Encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties</p>	<p>Brunei Darussalam: Yes, Brunei Darussalam recognizes arbitration as an alternative dispute resolution method. Furthermore, FTAs and BITs signed by Brunei Darussalam include provisions on investor-state dispute settlement</p> <p>Canada: In Place</p> <p>Mexico: Yes. Mexico recognizes arbitration as an alternative dispute resolution method. Furthermore, FTAs and BITs signed by Mexico include provisions on investor-state dispute settlement.</p> <p>New Zealand: New Zealand has an open, transparent and predictable justice system that provides investors the capacity to seek recourse in the case of a dispute through domestic courts. Outside the general courts are a range of courts and tribunals with jurisdiction over specialist subject-matters, include the Employment Relations Authority and the Employment Court; the Environment Court; the Taxation Review Authority; and the Weathertight Homes Tribunal. When necessary, facilitation for international arbitration is provided for the settlement of international commercial disputes between private parties, including guidance on arbitration clauses and types of arbitration. International commercial disputes are governed by the Arbitration Act 1996. The Arbitration Act includes rules based on international commercial arbitration based on the United Nations Commission on International Trade Law Model. The Arbitration Act 1996 is available at : http://www.legislation.govt.nz/act/public/1996/0099/latest/DLM403277.html</p> <p>PNG: As a member of APEC community, PNG encourages and facilitates such avenues for investors www.pngjudiciary.gov.pg</p>
<p>Facilitate commercial dispute resolution for foreign investors by providing reasonable cost complaint-handling facilities, such as complaint service</p>	<p>Brunei Darussalam: Yes, Same as above</p> <p>Mexico: Yes. See above. http://www.economia.gob.mx/comunidad-negocios/comercio-externo/solucion-controversias</p>

centres, and effective problem-solving mechanisms.	<p>New Zealand: New Zealand facilitates a range of alternative cost-efficient complaint-handling facilities, including formal negotiations, mediation, and expert determination. Foreign investors have the same access as domestic investors to such facilities. A range of sector specific schemes, either government or industry led, are also in place. For example, the Electricity and Gas Complaints Commissioner Scheme offers a free and independent service for resolving complaints about electricity and gas companies.</p> <p>PNG: ADR mechanism established under the National Court System provides for parties to solve disputes amicably and at a lower cost than what would have been incurred if matters are litigated. www.justice.gov.pg</p>
Take steps to accede to an arbitral convention	<p>Brunei Darussalam: Yes, Same as above</p> <p>Canada: Canada is a signatory to major arbitral conventions, such as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the ICSID Convention. Canada also includes the UNICTRAL arbitration rules as an option in the dispute settlement provisions of its investment treaties.</p> <p>Mexico: Yes. See above. Investor-State arbitrations have been conducted under the ICSID Additional Facility Rules and under UNCITRAL rules in the case of Mexico, as provided in its FTAs and BITs. Mexico is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the "New York Convention").</p> <p>New Zealand: New Zealand is a member to major arbitral institutions including the International Chamber of Commerce (ICC), the American Arbitration Association (AAA), and the London Court of International Arbitration (LCIA). In addition, New Zealand is a signatory to major arbitral conventions, including the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), the International Centre for Settlement of Investment Disputes (ICSID) Convention.</p> <p>PNG: PNG accedes to arbitral conventions as a signatory and party to various regional and international conventions where arbitrations are guided by laws and newly established rules. www.justice.gov.pg www.dfat.gov.pg</p>

Source: Member economies' submissions, summarized.

The five economies have provided an effective land use and ownership registration system; several also mentioned that they have established an online system. Continuous efforts could be done on maintaining the costs associated with land transactions low and efficient. Some measures could be by adopting cost recovery principle and by providing further transparency in the process of acquiring and purchasing land.

In terms of dispute resolution, economies highlighted the use of arbitration as one alternative to resolve disputes in accordance with international arbitration principles.

Additionally, for large economies, strengthening coordination between the federal government and municipalities would be beneficial to avoid confusion for investors. APEC should also continue its efforts in fostering the dissemination of accurate market reputation information and in encouraging peer dialogue and benchmarking in order to more comprehensively measure progress across APEC economies.

Using the World Bank Ease of Doing Business indicator on registering property, APEC averages are comparable with those of the OECD high income grouping level; APEC scores are better in terms of the number of procedures and costs.

Table 5. APEC Scores for indicators on registering property

Economy	Procedures (number)		Time (days)		Cost (% of property value)	
	2013	2014	2013	2014	2013	2014

Australia	5	5	4.5	4.5	5	5.2
Brunei Darussalam	7	7	298	298	0.6	0.6
Canada	6	6	16.5	16.5	3.4	3.3
Chile	6	6	28.5	28.5	1.2	1.2
China	4	4	29	19.4	3.6	3.6
Hong Kong, China	5	5	35.5	35.5	7.7	7.7
Indonesia	6	5	22	27.4	10.9	10.8
Japan	6	6	13	13	5.8	5.8
Korea, Rep.	7	7	9	7	5.1	5.1
Malaysia	5	8	14	13.5	3.3	3.3
Mexico	7	6.8	74	63.6	5.3	5.1
New Zealand	2	2	1	1	0.1	0.1
Papua New Guinea	4	4	72	72	5.1	5.1
Peru	4	4	6.5	6.5	3.3	3.3
The Philippines	8	9	39	35	4.8	4.3
Russian Federation	4	3	22	19	0.1	0.1
Singapore	5	4	5.5	4.5	2.9	2.8
Chinese Taipei	3	3	4	4	6.2	6.2
Thailand	2	2	2	2	6.3	6.3
United States	4	4.4	12	15.2	3.4	2.4
Viet Nam	4	4	57	57	0.6	0.6
APEC	4.95	5	36.43	35.4	4.03	3.95
East Asia & Pacific	5	5.2	81	77.9	4.5	4.5
Europe & Central Asia	6	5.4	26.5	23.1	2.8	2.7
Latin America & Caribbean	7	7	65	63.3	6	6.1
Middle East & North Africa	6	6.1	33	31.3	5.9	5.7
OECD high income	5	4.7	24.1	24	4.4	4.2

Source: Calculated from World Bank Ease of Doing Business Database.

For conflict resolution between investors and host authorities, economies mentioned that the domestic legal system provides mechanisms for resolving disputes. Investors are also provided with access to international arbitration (as specified under the respective FTAs and or BITs); with foreigners being provided with the same level of access as nationals. Economies also reported that they are signatories or members of major arbitral conventions such as the UNCITRAL, ICC and ICSID.

APEC averages for enforcing contracts under EoDB show gaps in terms of cost and procedure. APEC scores in cost range from 10% to 139% of the value of claim; for procedures the range is between 21 to 47 numbers of procedures. There is a considerable gap among APEC members particularly for cost to enforce contracts.

Table 6. APEC Scores for indicators on enforcing contracts

Economy	Time (days)		Cost (% of claim)		Procedures (number)	
	2013	2014	2013	2014	2013	2014
Australia	395	395	21.8	21.8	28	28
Brunei Darussalam	540	540	36.6	36.6	47	47
Canada	570	570	22.3	22.3	36	36
Chile	480	480	28.6	28.6	36	36
China	406	452.8	11.1	16.2	37	37
Hong Kong, China	360	360	21.2	21.2	27	26
Indonesia	498	471	139.4	115.7	40	40
Japan	360	360	32.2	32.2	31	32
Korea	230	230	10.3	10.3	33	32
Malaysia	425	425	27.5	37.3	29	29
Mexico	400	388.9	31	31	38	36.8
New Zealand	216	216	27.2	27.2	30	30
Papua New Guinea	591	591	110.3	110.3	42	42
Peru	426	426	35.7	35.7	41	41
The Philippines	842	842	26	31	37	37
Russian Federation	270	267	13.4	14.9	36	35
Singapore	150	150	25.8	25.8	21	21
Chinese Taipei	510	510	17.7	17.7	45	45
Thailand	440	440	15	15	36	36
United States	370	420	18.4	30.5	32	33.6
Viet Nam	400	400	29	29	36	36
APEC	422.81	425.5	33.36	33.8	35.14	35.1
East Asia & Pacific	551	553.8	48.7	48.6	37	37.2
Europe & Central Asia	441	448.1	25.3	25.2	37	37
Latin America & Caribbean	734	736.9	31	30.6	40	40
Middle East & North Africa	658	657.8	24.6	24.8	44	43.6
OECD high income	529	539.5	21	21.4	31	31.5
South Asia	1,075	1,076.9	27.7	30.4	43	43.3
Sub-Saharan Africa	652	650.4	51.1	45.1	39	39.2

Source: Calculated from World Bank Ease of Doing Business Database.

IFAP PRINCIPLE 3

Enhance predictability and consistency in investment-related policies

Table 3 Principle 3 Actions

Specific Actions	Details of implementation
Increase use of legislative simplification and restatement of laws to enhance clarity and identify and eliminate inconsistency.	Brunei Darussalam: The Attorney-General's Chambers publishes up to date consolidated versions of all laws and regulations on its website. Canada: The Department of Justice publishes up to date, consolidated versions of all laws and regulations on its website.

	<p>Mexico: Yes. The Federal Law of Administrative Procedure provides the legal framework for regulatory improvement on the basis of analysis, transparency and public consultation.</p> <p>New Zealand: A simple explanation of New Zealand's investment-related laws and regulations is available here: http://www.linz.govt.nz/overseas-investment</p> <p>PNG: The amendment Act to these investment laws were passed in Parliament in February 2014. www.ipa.gov.pg</p>
<p>Provide equal treatment for all investors in the operation and application of domestic laws and principles on investment</p>	<p>Brunei Darussalam: Yes. Brunei Darussalam accords to foreign investors the same level of treatment that accorded in like circumstances to domestic investors, with exceptions as clearly provided for in domestic laws and regulations.</p> <p>Canada: Canada's commitment to non-discriminatory treatment of investors is established in the international treaties to which it is party, including in its Free Trade Agreements and Foreign Investment Promotion and Protection Agreements</p> <p>Mexico: Yes. Mexico accords to foreign investors the same level of treatment than that accorded in like circumstances to domestic investors, with exceptions as clearly provided for in domestic laws and regulations.</p> <p>New Zealand: New Zealand applies the principle of national treatment to the vast majority of measures that pertain to foreign investment. New Zealand's Overseas Investment Act 2005 requires prior approval of foreign investment in the following limited categories:</p> <ul style="list-style-type: none"> - sensitive land or an interest in sensitive land; - business assets worth more than \$100 million; or - fishing quota or an interest in fishing quota. <p>These terms are further defined in the Act (http://www.legislation.govt.nz/act/public/2005/0082/latest/DLM356881.html).</p> <p>PNG: Maintain national treatment policy for all investors – domestic and foreign and MFNs. MIGA, ICSID, GATT & GATS principles</p>
<p>Reduce the scope for discriminatory bureaucratic discretion in interpreting investment-related regulations</p>	<p>Brunei Darussalam: Yes. Investment regulations are applied in a non-discriminatory manner as clearly provided for in domestic laws and regulations</p> <p>Canada: In Place</p> <p>Mexico: Yes. Investment regulations are applied in a non-discriminatory manner as clearly provided for in domestic laws and regulations.</p> <p>New Zealand: New Zealand's Overseas Investment Act 2005 and sections 56 to 58B of the Fisheries Act 1996 clearly set out the criteria used to assess foreign investment applications in New Zealand. These are explained here: http://www.linz.govt.nz/overseas-investment/applications/technical-resources.</p> <p>PNG: Investment Promotion Authority Board Discussion Paper to review investment laws (2013) www.ipa.gov.pg</p>
<p>Maintain clear demarcation of agency responsibilities where an economy has more than one agency screening or authorising investment proposals or where an agency has regulatory and commercial functions</p>	<p>Brunei Darussalam: BEDB is a 'One-Stop' agency facilitating and supporting investors in their pursuit of business opportunities in Brunei. Notwithstanding, Different agencies may also be responsible for its respective screening or authorizing investment proposals.</p> <p>Canada: Agency responsibilities are clear and set out in the foreign investment law (Investment Canada Act)</p> <p>Mexico: Yes. There is a clear demarcation of the responsibilities of the Directorate-General of Foreign Investment, as established in the Foreign Investment Law, and PROMEXICO, as established in the Presidential Decree of 2007.</p> <p>New Zealand: In New Zealand, only one agency screens investment proposals - the Overseas Investment Office. Investment proposals are authorised either by the relevant Ministers specified in the overseas investment legislation or Overseas Investment Office officials under delegation from those Ministers. The Overseas Investment Office does not have any commercial functions.</p> <p>PNG: IFC and World Bank Funded EoDB Report in 2013 to maintain clear demarcation between agencies that facilitate investment</p>

Establish and disseminate widely clear definitions of criteria for the assessment of investment proposals	<p>Brunei Darussalam: Yes, where available</p> <p>Canada: Criteria for assessment are clearly set out in the law</p> <p>Mexico: Yes. Mexico's Foreign Investment Law and its regulations set forth the criteria for the assessment of investment proposals. See Art. 28-30 of Foreign Investment Law http://www.diputados.gob.mx/LeyesBiblio/pdf/44.pdf</p> <p>New Zealand: New Zealand's Overseas Investment Act and sections 56 to 58B of the Fisheries Act 1996 clearly sets out the criteria used to assess foreign investment applications in New Zealand. These are explained here: http://www.linz.govt.nz/overseas-investment/applications/technical-resources.</p> <p>PNG: Under the Companies Act (1997), Investment Promotion Authority maintains a clear assessment of investment proposals. www.ipa.gov.pg</p>
Establish accessible and effective administrative decision appeal mechanisms including where appropriate impartial "fast-track" review procedures	<p>New Zealand: Decisions on foreign investment applications can be judicially reviewed by the High Court of New Zealand.</p>

Source: Member economies' submissions, summarized.

Economies reported that they provide 'national treatment' policy to foreign investment in most major sectors. Screening and assessment of investment proposals is also done following clear procedures and demarcation of responsibilities. National treatment is part of the 'border barriers' in the policy investment framework which means this factor will be one of the barriers that investors will screen before they decided to investigate deeper at other business factors. The World Bank noted that "national treatment standard eliminates distortions in competition and enhances the efficient operation of the economy". An additional approach to non-discrimination policy is to establish a single investment law for both domestic and foreign investors.

Further improvement could be made in the area of providing investors with the opportunity to appeal and the appropriate impartial 'fast-track' review procedures.

Principles of predictability and consistency are particularly important for long-term investment such as those in mining and infrastructure sector and will determine investor's perception of risk related with their investment.

IFAP PRINCIPLE 4

Improve the efficiency and effectiveness of investment procedures

Table 4 Principle 4 Actions

Specific Actions	Details of implementation
Simplify and streamline application and, registration, licensing and taxation procedures and establish a one-stop authority, where appropriate, for the lodgement of papers	<p>Brunei Darussalam: OneBiz is a Business Licensing System (BLS) initiative spearheaded by the Ministry of Industry and Primary Resources with the Ministry of Home Affairs. 13 government agencies will bring together a number of business licensing processes into a single on- line window that would significantly hasten the process of securing and submitting forms as well as the payment of required fees related to starting and operating a business, and collection of licenses or permits. In February 2013, Brunei Darussalam saw the launching of the OneBiz Portal⁴ which provides all entrepreneurs in Brunei</p>

⁴ The portal is accessible through: http://onebiz.business.gov.bn/sop/process/MIPR_BBLS/Index

	<p>Darussalam with a single government window, allowing online access and application for the required licenses with greater ease and convenience. The initiative aims to streamline, simplify and integrate the application of business licenses from various agencies while saving time and costs for enterprises</p> <p>Canada: Given that Canada is a federation certain licensing and taxation procedures for investment are managed at the sub-national level and vary depending on location</p> <p>Mexico: Yes. There has been a permanent effort by the Mexican government to promote the use of electronic means and facilitate compliance with fiscal obligations and as a result, the number of payments and the time required to comply with taxes in Mexico has decreased.</p> <p>PNG: To see that Business Registration & Tax filing are done with single number and issued at a single point.</p>
<p>Simplify and reduce the number of forms relating to foreign investment and encourage electronic lodgement</p>	<p>Brunei Darussalam: See above</p> <p>Canada: In Place</p> <p>Mexico: Yes. In 2012, the National Foreign Investment Commission simplified the procedure for the establishment of foreign legal entities in Mexico.</p> <p>New Zealand: The Overseas Investment Act 2005 sets out the procedure for making an application for consent and for granting consent and additional guidance can be found on the Overseas Investment Office's website, including template application forms. Applicants for consent are required to provide the Overseas Investment Office with an electronic version of the application.</p> <p>PNG: It was implemented in 2013 in which IPA launched its online registry which currently is undergoing major facelift to its website. www.ipa.gov.pg</p>
<p>Shorten the processing time and procedures for investment applications.</p>	<p>Brunei Darussalam: See above</p> <p>Mexico: Yes. In 2010, the National Foreign Investment Registry eliminated the statutory payments of the procedures before the Registry. The National Foreign Investment Registry also improved its web page to promote electronic submission. http://www.rnie.economia.gob.mx/RNIE/faces/main.xhtml</p> <p>New Zealand: The Overseas Investment Office must perform its functions in a timely, consistent and efficient manner – refer paragraph 31a of the Government's Directive Letter http://www.linz.govt.nz/sites/default/files/docs/overseas-investment/oio-publications-ministerial-directive-letter.pdf. There is no statutory timeframe within which an application must be decided. However, the Overseas Investment Office has developed internal targets to drive down processing times. Target processing times are reported on the Overseas Investment Office website: http://www.linz.govt.nz/overseas-investment/applications/assessment.</p> <p>PNG: Implemented in 2013 to facilitate instant registration through Online. www.ipa.gov.pg</p>
<p>Promote use of "silence is consent" rules or no objections within defined time limits to speed up processing times, where appropriate</p>	<p>Canada: Canada's foreign investment law uses this approach</p> <p>Mexico: Yes. Mexico has implemented "silence is consent" rules (afirmativa ficta) in a number of procedures referred to in the Foreign Investment Law. http://www.diputados.gob.mx/LeyesBiblio/pdf/44.pdf</p> <p>PNG: An Amendment Act (2014) was made to IPA Act (1992) www.ipa.gov.pg</p>
<p>Ensure the issuing of licences, permits and concessions is done at least cost to the investor</p>	<p>Brunei Darussalam: The Business Facilitation Centre (BFC) is a centre providing facilities for applicants who do not have internet access to apply for online licenses through Business Licensing System (BLS). It also provides payment counters for applicants to pay licenses by cash/card and helpdesk for BLS. BFCs are available in all four districts in Brunei Darussalam.</p>

	<p>New Zealand: The Government's policy is that application fees for overseas investment applications are borne by the investor. Refer paragraph 31d of the Government's Directive Letter http://www.linz.govt.nz/sites/default/files/docs/overseas-investment/oio-publications-ministerial-directive-letter.pdf. However, in setting fees there are Government guidelines that must be adhered to, to ensure that fees, to the fullest extent possible, cover operating costs only and do not constitute a tax. In addition, consultation processes with affected fee-payers routinely take place before new fees are set. Fees are set by regulation. There is an independent process for examination of regulations (via the Regulations Review Committee) and legislation that allows regulations to be disallowed in certain circumstances.</p> <p>PNG: Government is facilitating ongoing reforms to improve investment climate as per the EoDB report 2013/2014. www.ipa.gov.pg</p>
Simplify the process for connecting to essential services infrastructure	<p>Brunei Darussalam: For industrial sites under the purview of the Brunei Economic Development Board, they will provide the tenants with the basic infrastructure and connection to utilities.</p> <p>Mexico: Yes. Processes and facilitation for connecting to essential services infrastructure varies among the different local authorities involved.</p> <p>PNG: Government formulated PPP concept in 2010 and a Bill was prepared to be tabled in Parliament in 2013 www.treasury.gov.pg</p>
Implement strategies to improve administrative performance at lower levels of government.	<p>Brunei Darussalam: Improvements in the delivery of public services by Brunei Darussalam civil services is continuous and on-going.</p> <p>Mexico: Yes. Derived from the success of the regulatory reform strategy implemented within the Federal Government between 2008 and 2011, the Ministry of Economy had the task of working on a major boost Regulatory Improvement Agenda, specifically at the State and municipal levels, called the "Multi-Level Agenda".</p> <p>PNG: Based on 1997 Act, government is currently undertaking major reforms and capacity building to facilitate effective administrative performance at lower levels of government. www.justice.gov.pg</p>
Facilitate availability of high standard business services supporting investment	<p>Brunei Darussalam: The Business Facilitation Centre (BFC) was established to provide facilities for applicants who do not have internet access to apply for online licenses through Business Licensing System (BLS). It also provides payment counters for applicants to pay licenses by cash/card and helpdesk for BLS. BFCs are available in all four districts in Brunei Darussalam</p> <p>Mexico: Yes. In order to support foreign companies located in Mexico to grow as well as provide assistance to companies interested in investing in Mexico or purchase Mexican products, PROMEXICO offers a range of services for investors, such as softlanding and aftercare services. http://www.promexico.gob.mx/en_us/promexico/ServiciosExt</p> <p>New Zealand: In Place</p> <p>PNG: Government's ongoing commitment to reform and improve services in communication, transport, electricity, land, water and law and order issues. www.planning.gov.pg</p>

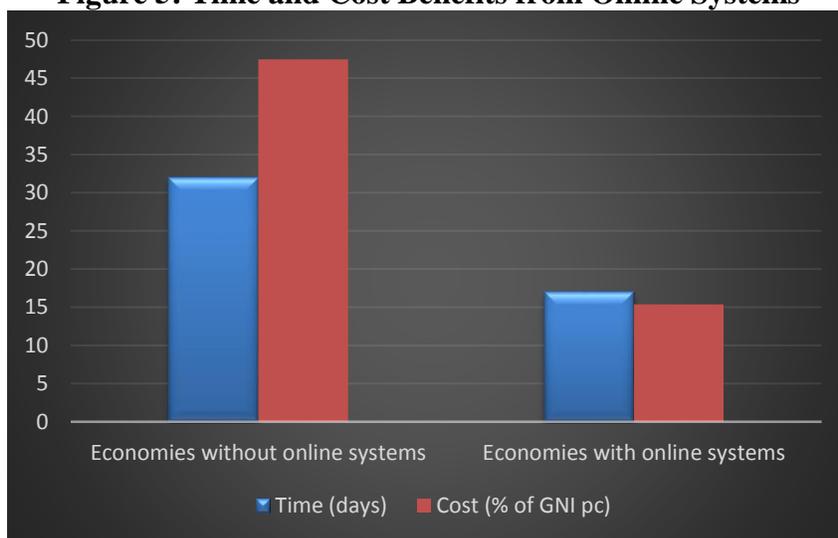
Source: Member economies' submissions, summarized.

In maintaining and improving the efficiency and effectiveness of investment procedures, economies have reported actions to simplify and streamline the application and registration procedures through a single online window and through promoting the use of electronic means. This electronic lodgement system has also simplified and reduced the number procedures and processing time.

IFC (2013) highlighted that online business registration systems provide the opportunity to make the process of company incorporation both less time consuming and less costly (Figure 5). The online system benefits businesses through less complex registration and by minimizing duplication of processes usually happened in a paper-based system.

Economies have also reported that they have promoted the use of 'silence is consent' rule. The OECD reported that half of their 30 member economies in 2008 used the 'silence is consent' rule as part of their administrative simplification for licences and permits which means licences are issued automatically by a certain time limit should the respective office failed to provide any response.

Figure 5: Time and Cost Benefits from Online Systems



Source: IFC (2013).

Economies could strive in facilitate the availability of infrastructure and business services to encourage foreign investors in locating their business in the respective economy. This issue will be particularly important for MNCs with sizable operations particularly in manufacturing. Additionally, improving the coordination between central and local government would support better transparency and consistency related with investment related policies.

IFAP PRINCIPLE 5

Build Constructive Stakeholder Relationships

Table 5 Principle 5 Actions

IFAP Principle 5: Build constructive stakeholder relationships	
Specific Actions	Details of implementation
To the extent possible, establish a mechanism to provide interested parties (including business community) with opportunity to comment on proposed new laws, regulations and policies or changes to existing ones prior to their implementation	<p>Brunei Darussalam: Currently, this is only practiced between G2G where, before the legislation is gazette, they are given an opportunity to review and comment on a proposed regulation before it is enacted</p> <p>Canada: Pre-publication in the Canada Gazette gives interested groups and individuals, as well as Canadians in general, an</p>

	<p>opportunity to review and comment on a proposed regulation before it is enacted</p> <p>Mexico: Yes. According to the Federal Law of Administrative Procedure, proposals for the issuance of a federal rule of general application must be accompanied by a Regulatory Impact Assessment and go through a mandatory prior public consultation administered by COFEMER, the federal regulatory oversight body. http://www.cofemer.gob.mx/ http://www.diputados.gob.mx/LeyesBiblio/pdf/112.pdf</p> <p>New Zealand: This is standard legislative practice in New Zealand.</p> <p>PNG: Through Consultative Implementation & Monitoring Council (CIMC)TIPNG & PNG Business Council.</p>
Continue to share APEC member economies' experiences of successful stakeholder consultative mechanisms	<p>Mexico: Yes. Mexico continues participating in international fora, represented by the Ministry of Economy. http://www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-internacionales</p> <p>PNG: As a member of APEC, PNG participate in all non-binding agreements to promote liberal investment climate.</p>
Promote the role of policy advocacy within IPAs as a means of addressing the specific investment problems raised by investors including those faced by SMEs	<p>Brunei Darussalam: BEDB work with other relevant government authorities in improving the business environment for foreign direct investors and local SMEs.</p> <p>Canada: Canada's federal IPA, the Invest in Canada Bureau, is proactively engaged with government stakeholders and investors to consult and advocate to mitigate business restrictions and challenges and to improve Canada's foreign investment climate</p> <p>Mexico: Yes. The website of PROMEXICO provides advice to both foreign and domestic investors about information of the strategic industries in Mexico. There is a special area which gives support to investors in case of any problem. http://www.promexico.gob.mx/en_mx/promexico/Empresario_Extranjero</p> <p>PNG: Under Investor Servicing and Promotion Division. An integral part of IPA that promotes policy advocacy and facilitate foreign investment visits and disseminate information as well. www.ipa.gov.pg</p>
Continue to share APEC member economies' experiences of successful public private dialogue to take advantage of the information on successes and problems encountered by established investors	<p>Mexico: Yes. Mexico continues participating in international fora, represented by the Ministry of Economy.</p> <p>PNG: Within SOM, IEG & CTI.</p>
Promote backward investment linkages between businesses, especially between foreign affiliates and local enterprises including through the promotion of industry clusters	<p>Brunei Darussalam: The Entrepreneurial Development Centre under the Ministry of Industry and Primary Resources regularly consults with SMEs and foreign investors to determine investment barriers and ways to address them</p> <p>Canada: The Invest in Canada bureau works with local government stakeholders and the private sector to identify key industry sectors for investment attraction</p> <p>Mexico: Yes. Mexico, through the Ministry of Economy, promotes events with local and foreign companies to create linkages and help build strong relationships. http://www.economia.gob.mx/mexico-emprende/empresas</p> <p>PNG: Under Partnership & Joint Venture Arrangements - IPA Act (1992)</p>
Encourage high standards of corporate governance through cooperation aimed at promoting international concepts and principles for business conduct, such as APEC's programs on corporate governance and anti-corruption.	<p>Canada: The Canadian private sector is a world leader in the area of Corporate Social Responsibility and Canada is the first economy to have developed a national CSR policy in the extractive sector.</p> <p>Mexico: Yes. In recent years, there have been a number of major reforms related to corporate governance in Mexico, including the drafting of an early voluntary code of best practice and the redrafting of key provisions of the Securities Market Law. The progress that has been made in promoting good corporate governance has been set against the concentrated ownership and control structure of many</p>

	<p>Mexican firms, weak enforcement of shareholder rights and concerns about reform fatigue. New Zealand: New Zealand is an active participant in the APEC IFAP. PNG: There is always an inter-agency working team between IPA and various government agencies and stakeholders on APEC issues and work programs</p>
<p>Examine and share APEC member economies' experience with responsible business conduct instruments</p>	<p>Canada: Canada is a co-sponsor and presenter at a 2014 ABAC workshop led by Chile on CSR International Instruments for APEC Economies Mexico: The Directorate-General of Foreign Investment acts as the National Contact Point (NCP) of the OECD Guidelines for Multinational Enterprises in Mexico. This Directorate works with other APEC economies (also OECD members or adherent governments to the OECD Guidelines) to promote Corporate Social Responsibility (CSR), without prejudice of sharing these experiences and inputs with other APEC economies interested on the implementation of CSR practices. PNG: IPA publishes business information and investment manuals annually with support from donors, e.g. Oxford Business Group, Resource PNG etc. www.ipa.gov.pg</p>

Source: Member economies' submissions, summarized.

Reporting economies have noted that they are actively engaged in constructive dialogue as investment policies are considered, with all stating that input and comment from other government agencies, private entities, or public citizens is allowed. UNCTAD's national Investment Policy Guidelines⁵ recommend transparency and predictability for investors while protecting the long-term national interest and consumers, and allowing early public consultation allows all stakeholders an opportunity to add input to the process, increasing transparency and accountability.

Additionally, many economies report efforts to improve backward linkages between parent companies and local affiliates. UNCTAD in Axele and Delane (2008) mentioned that the most important host economy factor that will influence linkage formation is the availability of competitive and high quality local suppliers. Axele and Delane (2008) also emphasize the (local) entrepreneur potential to learn and absorb new knowledge as the prime factor.

Corporate governance concerns play a key role in many economies' investment policy formulation. Many international fora have issued guidelines on corporate governance practices, including the OECD's Principles of Corporate Governance and UNCTAD's Guidance on Good Governance in Corporate Governance Disclosure.

IFAP PRINCIPLE 6

Utilize new technology to improve investment environments

Table 6 Principle 6 Actions

IFAP Principle 6: Utilize new technology to improve investment environments	
Specific Actions	Details of implementation

⁵ Detailed description available at <http://investmentpolicyhub.unctad.org/ipfsd/national-policy-guidelines>

<p>Promote the introduction and use of new technologies aimed at making the investment process simpler and faster</p>	<p>Brunei Darussalam: In February 2013, Brunei Darussalam launched the OneBiz Portal⁶ which provides all entrepreneurs in Brunei Darussalam with a single government window, allowing online access and application for the required licenses with greater ease and convenience. The initiative aims to streamline, simplify and integrate the application of business licenses from various agencies while saving time and costs for enterprises.</p> <p>Mexico: New website of the National Registry of Foreign Investment (RNIE). The Ministry of Economy launched the new website that simplifies the procedures and operations of the National Registry of Foreign Investments. These new tool will facilitate compliance with obligations of foreign individuals or legal entities and will optimize the operation of the RNIE. The new website, which came into operation on September 2012, includes all of the procedures carried out before the RNIE, without the need for physical submission and it gives access to electronic records to check the status of each process, and the overall record of the company. The Ministry of Economy designed a simpler format for each procedure and section of RNIE and the data requested to users decreased by 30%. http://www.rnie.economia.gob.mx/RNIE/faces/main.xhtml</p> <p>New Zealand: The Overseas Investment Office has made significant investment into new technologies in order to capture relevant data and streamline its assessment processes. Relevant information for applicants is also available online and processes are in place to regularly update that information. A significant upgrade of the OIO's website is scheduled to go live by late 2014. See comments above on LINZ's world leading online land registration system – Landonline.</p> <p>PNG: Since 2000, Government has undertaken major reforms in information & communication sector to promote improved investment environment. www.nicta.gov.pg www.telikompng.com.pg</p>
<p>Maintain adequate and effective protection of technology and related intellectual property rights</p>	<p>Brunei Darussalam: Continues to promote and maintain effective protection of technology and related intellectual property rights through cooperation between enforcement agencies and the relevant IP office (BrulPO). Brunei also has membership in various International Organizations, Treaties and Agreements such as: World Intellectual Property Organization (WIPO), World Trade Organization (WTO), WTO's Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), Trans Pacific Economic Partnership Agreement (TPP), Berne Convention for the Protection of Literary and Artistic Works, Paris Convention for the Protection of Industrial Property, Patent Cooperation Treaty (PCT), Budapest System for the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, Hague Agreement Concerning the International Registration of Industrial Designs.</p> <p>Canada: Canada supports effective intellectual property rights protection and enforcement that provides certainty and transparency to encourage the marketing of goods, services, technology, and entertainment; investment in R&D and innovation; and licensing arrangements to establish or expand existing business investment</p> <p>Mexico: The Mexican Industrial Property Law provides protection to patents and trademarks, and has also provisions for an effective protection against counterfeiting. http://www.impi.gob.mx/wb/imp_i_en/industrial_property_law The Mexican Institute of Industrial Property (IMPI) was created in 1994 providing diverse services. Since its creation it has incorporated modern systems to facilitate the requests of patents and trademarks as well as making the IP system a user-friendly one.</p> <p>New Zealand: New Zealand ranks first for 'protecting investors' in the World Bank Doing Business Survey, reflecting New Zealand's</p>

⁶ The portal is accessible through: http://onebiz.business.gov.bn/sop/process/MIPR_BBLs/Index

	<p>established practices in this area. For example, under the Public Works Act 1981, if any land is acquired or taken for any public work, or suffers damage as specified in the Act, then the owner of the land is entitled to full compensation from the New Zealand government. An explanation of this can be found on the website of Land Information New Zealand at: http://www.linz.govt.nz/crown-property/public-works/guide/compensation. Such practices are also reflected in New Zealand's international trade and investment agreements, including in areas such as intellectual property.</p> <p>PNG: IPOPNG was established in 1999 to protect and promote intellectual property rights in PNG – Trade Marks, Patents & Industrial Designs. www.nisit.gov.pg www.ipong.gov.pg</p>
Where possible, give effect to international norms for property protection	<p>Brunei Darussalam: Currently a party to the Hague Agreement for International Registration of Designs, the Patent Corporation Treaty (PCT) with plans to accede to the Madrid System for the international registration of Marks by 2015.</p> <p>Canada: Canada has fully implemented its obligations under the WTO TRIPS Agreement, and provides protection for intellectual property consistent with a range of Other international IP treaties to which it is a signatory</p> <p>Mexico: Mexico is in compliance of the following international instruments on intellectual property protection: 16 Free Trade Agreements that contain intellectual property chapters; 13 International Treaties on industrial property; 21 Treaties on Copyrights.</p> <p>New Zealand: In place.</p> <p>PNG: See above about IPOPNG.</p>

Source: Member economies' submissions, summarized.

Member economies reported several measures including establishing an online single window system to simplify the investment process as well as efforts to maintain intellectual property protection. The application of 'e-governance' system towards improving investment environment is an important future agenda for APEC.

Innovation and technological advancement represents a cornerstone of the APEC 2014 host economy China which has placed "promoting innovative development, economic reform, and growth" as one of their top priorities for the APEC work agenda.

Promoting intellectual property rights and utilizing ICT to enhance the investment environment have long been aims of APEC working groups. The Intellectual Property Rights Group (IPEG) has been actively seeking to raise public awareness of intellectual property (IP) rights and promote IP utilization for sustainable development. Recently, IPEG member Korea undertook a project to transfer sustainable development technology to Papua New Guinea with an overall aims to enhance the capacity of APEC economies to utilize Intellectual Property (IP) strategies tailored to local needs in developing economies and raise awareness on the importance of developing appropriate technologies.

The usage of ICT technologies differs throughout APEC economies, though all stand to benefit through its wide-spread adoption. According to a study by the Information Technology and Innovation Foundation (ITIF)⁷, APEC members can experience broad-based economic gains by encouraging a rigorous uptake of broadband throughout the economy with a supportive policy

⁷ Atkinson, Robert et. al., "Innovation, Trade, and Technology Policies in Asia-Pacific Economies: A Scorecard", The Information Technology and Innovation Foundation, November 2011.

environment encouraging ICT infrastructure investment. ITIF notes that “the effectiveness of market-based public policies in the area of ICT infrastructure can be evaluated in view of access, affordability, and policy governance. These three pillars, when put together in a well-coordinated manner, contribute to the global competitiveness of ICT infrastructure and policy for an economy” (p.50).

IFAP PRINCIPLE 7

Establish monitoring and review mechanisms for investment policies

Table 7 Principle 7 Actions

IFAP Principle 7: Establish monitoring and review mechanisms for investment policies	
Specific Actions	Details of implementation
Conduct periodic reviews of investment procedures ensuring they are simple, transparent and at lowest possible cost	<p>Brunei Darussalam: BEDB work with other relevant government authorities in improving the business environment for foreign direct investors</p> <p>Canada: Canada is committed to ensuring that the foreign investment review process is up to date and effective</p> <p>Mexico: Yes. Mexico maintains the minimum investment procedures.</p> <p>New Zealand: New Zealand’s Overseas Investment Act was comprehensively reviewed in 2009-2010.</p> <p>PNG: IPA Board meets in quarterly basis every year to determine IPA policies and actions and provide advice to the Minister for Trade, Commerce & industry. www.ipa.gov.pg www.dci.gov.pg</p>

Source: Member economies’ submissions, summarized.

Continual monitoring of investment policies allows APEC member economies to ensure that their policy framework is supportive of the current investment environment and enabling to international investors; focusing on the principle of transparency and simplicity.

Member economies reported several actions under this principle as above. APEC could provide further leadership in this area by, for instance, providing some sort of investment policies review among APEC economies.

To provide an example, The United Nations Conference on Trade and Development (UNCTAD) undertakes an independent review of investment policies through their Investment Policy Monitor report. In their March 2014 edition, UNCTAD notes “(investment policy) measures show a continued move towards improving entry conditions, reducing restrictions and facilitating foreign investment.”⁸ They note that one of the most important recent liberalization measures was seen in the Mexican oil industry, showing the leading role APEC members have taken in encouraging foreign investment for continued regional growth.

IFAP PRINCIPLE 8

Enhance international cooperation

⁸ “Investment Policy Monitor No. 12”, UNCTAD, March 2014.

Table 8 Principle 8 Actions

IFAP Principle 8: Enhance international cooperation	
Specific Actions	Details of implementation
To the best extent possible, accede to, or observe, multilateral and/or regional investment promotion and facilitation conventions	<p>Brunei Darussalam: The Ministry of Foreign Affairs and Trade, Ministry of Industry and Primary Resources and Brunei Economic Development Board participate in international organizations such as ASEAN, APEC, and UNCTAD.</p> <p>Canada: Canada is a signatory to major investment promotion conventions such as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the ICSID Convention. Canada also includes the UNICTRAL arbitration rules as an option in the dispute settlement provisions of its investment treaties.</p> <p>New Zealand: New Zealand is a signatory to major investment promotion conventions, including the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the ICSID Convention and the OECD Codes of Liberalisation.</p> <p>PNG: Through APEC, WTO, PITI, UNCTAD, PIF, ACP-EU, UN.</p>
Make use, where appropriate, of international and regional initiatives aimed at building investment facilitation and promotion expertise, such as those offered by the World Bank, UNCTAD and OECD	<p>Brunei Darussalam: Yes</p> <p>Canada: Canada sits on the OECD Investment Committee responsible for promoting liberalization of policies related to capital movements, direct investments, and trade in services.</p> <p>Mexico: Yes. The Ministry of Economy actively participates in international organizations, such as the World Bank, UNCTAD, OECD, APEC and works on standardizing global proposals into Mexican practices.</p> <p>New Zealand: New Zealand is an active participant of: the APEC Investment Facilitation Action Plan, the World Bank Global Investment Best Practices (GIBP) global survey, and New Zealand sits on the OECD Investment Committee responsible for a range of issues, including the Aggressive Tax Planning Steering Group, Joint Working Party on Trade and Environment, and on Consumption Taxes.</p> <p>PNG: Through international conventions, forums and agreements that PNG is party to, e.g. APEC SOM, IEG, CTI.</p>
Ensure measures exist to ensure effective compliance with commitments under international investment agreements	<p>Brunei Darussalam: Yes</p> <p>Canada: In Place</p> <p>Mexico: Yes. Concrete actions undertaken by Mexico to “Promote Investment and Prevent Dispute Settlements” to create a more attractive environment for investment, began in 2011 and will continue.</p> <p>New Zealand: In place.</p> <p>PNG: Treaty documents are tabled in Parliament and implemented by respective agencies to the effect. Clearance is always obtained from Justice Department to ensure there is compliance with international obligations and under various international instruments including those related to investments.</p>
Review existing international agreements and treaties to ensure their provisions continue to create a more attractive environment for investment.	<p>Canada: Canada conducts a periodic review of its laws and international agreements to ensure that they continue to create an enabling environment for foreign investment</p> <p>Mexico: Yes. The review of the IPPA model.</p> <p>New Zealand: Together with its international partners, New Zealand conducts periodic review of its existing trade and investment agreements to ensure they remain relevant and provide for an enabling environment for foreign investment.</p> <p>PNG: IPA in partnership with relevant state agencies like IRC, Commerce & Industry, and DJAG, liaise and coordinate review of implementation guidelines www.ipa.gov.pg www.dci.gov.pg</p>

Source: Member economies' submissions, summarized.

All APEC members are active members of the international community, taking part in a variety of regional and other multilateral institutions. This engagement allows member economies to stay abreast of the latest developments taking place throughout the world and encourages closer integration and knowledge sharing. According to the UNCTAD 2014 World Investment Report, strong, proactive regional investment cooperation over the last 15 years in East and Southeast Asia has helped contribute to increasing FDI,⁹ showing the benefit of international cooperation through regional groupings such as APEC.

⁹ UNCTAD World Investment Report 2014: “Investing in the SDGs: An Action Plan”

3. CONCLUSION

This report describes the progress in IFAP implementation for five APEC member economies. Economies have submitted initiatives under the eight IFAP principles which aim to support transparency, security, consistency, efficiency, inclusiveness and cooperation to support a vibrant investment climate.

APEC should further deepen and expand the implementation of IFAP by taking into account stakeholders' inputs and also by using available quantitative and qualitative evidence.

Implementation of IFAP in the coming years should also further involve the private sector and investors in order to get their honest feedback. In the current trend of Global Value Chains, FDI has an important role to play to facilitate the effective value chain functionality which will also further strengthen the trade-investment nexus. A healthier investment climate will also promote more efficient capital flows and strengthen the trade balance in the long run (Trand and Dinh, 2013).

To further maximize the benefits of FDI, governments should be more active in facilitating the process of technology transfer and strengthening the linkages with domestic enterprises of existing and potential FDI. Both FDI and domestic investment are complementary and governments should not forget the critical role of a vibrant domestic enterprise. As UNCTAD (2013: 3) has emphasized:

“...the primary objective of Governments should be to develop a vibrant and growing domestic enterprise sector supported by domestic investment. In the long-term, this process by itself is the best strategy for attracting FDI, as foreign investment tends to be strongly attracted to economies that have achieved sustained rates of economic growth and where the domestic private sector is sophisticated and large enough to supply quality products and become an effective partner to foreign enterprises.”

FDI, both greenfield investment (investment of new assets) and M&A (purchase of existing assets), have a role to play in supporting domestic investment and economic growth. Calderón et al (2004) estimated that an increase in M&A by 1 percent of GDP will lead to an increase of greenfield investment by around 1 and 1.5 percentage points of GDP in industrial and developing economies,

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APPENDIX: VOLUNTARY SUBMISSION BY MEMBER ECONOMIES (INVESTMENT FACILITATION – MENU OF ACTIONS AND MEASURES)

SUBMISSION BY BRUNEI DARUSSALAM

IFAP Principle 1: Promote accessibility and transparency in the formulation and administration of investment-related policies	
Specific Actions	Details of implementation
Publish laws, regulations, judicial decisions and administrative rulings of general application, including revisions and up-dates.	Brunei Darussalam does this already as a matter of law and practice except for administrative rulings of general application.
Adopt centralized registry of laws and regulations and make this available electronically.	All national laws and regulations are published on the Attorney-General's Chamber's website: www.agc.gov.bn
Establish a single window or special enquiry point for all enquiries concerning investment policies and applications to invest	The Brunei Economic Development Board (BEDB) can help facilitate investment applications and coordinate inquiries with other agencies.
Make available all investment-related regulations in clear simple language, preferably in languages commonly used by business	Investment-related laws and regulations are available on most relevant Government agencies' websites.
Following establishment of an Investment Promotion Agency (IPA), or similar body, and make its existence widely known	BEDB is an economic development agency to grow and diversify Brunei Darussalam's economy. One of our key focuses is to promote Foreign Direct Investments in Export-Oriented Manufacturing and Services in Brunei.
Make available to investors all rules and other information relating to investment promotion and incentive schemes	Information is available on BEDB's web site www.bedb.com.bn and can also be obtained from MIPR
Allow investors to choose their form of establishment within legislative and legal frameworks.	Investors can choose their form of establishment within domestic legislative and legal frameworks
Ensure transparency and clarity in investment-related laws	Brunei Darussalam does this already as a matter of practice. Need for further improvements are regularly taken into account.
Improve upon the APEC-wide website (e-portal) to replacing the hard copy publication of the APEC Investment Guidebook (IEG)	

Encourage on-line enquiries and on-line information on all foreign investment issues	Information is available on BEDB's web site www.bedb.com.bn
Maintain a mechanism to provide timely and relevant advice of changes in procedures, applicable standards, technical regulations and conformance requirements	Relevant agencies will update changes on technical regulations and standards through their websites. Changes to laws and regulations will be updated through the Government Gazette.
To the extent possible, provide advance notice of proposed changes to laws and regulations and provide an opportunity for public comment	In general, Brunei Darussalam do not practice this.
Explore the possibility of using the international benchmarks on a voluntary basis as a reference point for peer dialogue and measuring progress	As an active member of various international for a including APEC, Brunei Darussalam gives due consideration to international best practices in developing its policies.
IFAP Principle 2: Enhance stability of investment environments, security of property and protection of investments	
Specific Actions	Details of implementation
Establish timely, secure and effective systems of ownership registration and / or property use rights for land and other forms of property	Foreign nationals are not allowed to own land except otherwise approved by the Government of Brunei Darussalam. However, permanent residents, and foreigners are allowed to purchase and have outright ownership of units in a multi-storey building which has strata titles. Companies are allowed to lease land for their industrial activities. Land with facilities are available for industry, agriculture, agro forestry and aquaculture for a lease term of 10 to 30 years and lease can be further extended. Lease rates vary with respect to the location.
Create and maintain an effective register of public or state owned property.	
Ensure costs associated with land transactions are kept to a minimum including by fostering competition.	Land duty is charged at B\$25.00 per 0.1 hectare for industrial site. Brunei Darussalam has no sales or capital gain taxes. Profits from the sale of capital assets are not taxable and capital losses are not deductible. Profits are only taxable if assets are acquired specifically for resale or the gains from the sale of assets form part of a company's regular business income. Stamp duty is levied on a variety of documents. Certain types of documents attract an ad valorem duty, whereas duty on documents may vary depending on the nature of documents. Levied (subjects to review) on lands, houses and buildings within any Municipal Board area.
Foster the dissemination of accurate market reputation information including creditworthiness and reliability	

Explore the possibility of using the World Bank <i>Doing Business</i> indicator “Enforcing Contracts” as the basis for peer dialogue and benchmarking and measuring progress across APEC	
Encourage or establish effective formal mechanisms for resolving disputes between investors and host authorities and for enforcing solutions, such as judicial, arbitral or administrative tribunals or procedures	<p>Brunei Darussalam’s legal system provides different mechanisms for resolving disputes between investors and host authorities.</p> <p>Brunei Darussalam is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the "New York Convention") and the International Convention on Settlement of Investment Dispute (ICSID).</p>
Encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties	<p>Yes.</p> <p>Brunei Darussalam recognizes arbitration as an alternative dispute resolution method.</p> <p>Furthermore, FTAs and BITs signed by Brunei Darussalam include provisions on investor-state dispute settlement.</p>
Facilitate commercial dispute resolution for foreign investors by providing reasonable cost complaint-handling facilities, such as complaint service centres, and effective problem-solving mechanisms.	Yes, Same as above
Take steps to accede to an arbitral convention	Yes, Same as above
IFAP Principle 3: Enhance predictability and consistency in investment-related policies	
Specific Actions	Details of implementation
Increase use of legislative simplification and restatement of laws to enhance clarity and identify and eliminate inconsistency.	The Attorney-General’s Chambers publishes up to date, consolidated versions of all laws and regulations on its website.
Provide equal treatment for all investors in the operation and application of domestic laws and principles on investment	<p>Yes.</p> <p>Brunei Darussalam accords to foreign investors the same level of treatment than that accorded in like circumstances to domestic investors, with exceptions as clearly provided for in domestic laws and regulations.</p>
Reduce the scope for discriminatory bureaucratic discretion in interpreting investment-related regulations	<p>Yes.</p> <p>Investment regulations are applied in a non-discriminatory manner as clearly provided for in domestic laws and regulations.</p>
Maintain clear demarcation of agency responsibilities where an economy has more than one agency screening or authorising investment proposals or where an agency has regulatory and commercial functions	BEDB is a ‘One-Stop’ agency facilitating and supporting investors in their pursuit of business opportunities in Brunei. Notwithstanding, Different agencies may also be responsible for its respective screening or authorizing investment proposals.

Establish and disseminate widely clear definitions of criteria for the assessment of investment proposals	Yes, where available
Establish accessible and effective administrative decision appeal mechanisms including where appropriate impartial “fast-track” review procedures	
IFAP Principle 4: Improve the efficiency and effectiveness of investment procedures	
Specific Actions	Details of implementation
Simplify and streamline application and, registration, licensing and taxation procedures and establish a one-stop authority, where appropriate, for the lodgement of papers	<ul style="list-style-type: none"> • OneBiz <p>OneBiz is a Business Licensing System (BLS) initiative spearheaded by the Ministry of Industry and Primary Resources with the Ministry of Home Affairs. 13 government agencies will bring together a number of business licensing processes into a single on-line window that would significantly hasten the process of securing and submitting forms as well as the payment of required fees related to starting and operating a business, and collection of licenses or permits.</p> <p>In February 2013, Brunei Darussalam saw the launching of the OneBiz Portal¹⁰ which provides all entrepreneurs in Brunei Darussalam with a single government window, allowing online access and application for the required licenses with greater ease and convenience. The initiative aims to streamline, simplify and integrate the application of business licenses from various agencies while saving time and costs for enterprises</p>
Simplify and reduce the number of forms relating to foreign investment and encourage electronic lodgement	See above
Shorten the processing time and procedures for investment applications.	See above
Promote use of “silence is consent” rules or no objections within defined time limits to speed up processing times, where appropriate	
Ensure the issuing of licences, permits and concessions is done at least cost to the investor	The Business Facilitation Centre (BFC) is a centre providing facilities for applicants who do not have internet access to apply for online licenses through Business Licensing System (BLS). It also provides payment counters for applicants to pay licenses by cash/card and helpdesk for BLS. BFCs are available in all four districts in Brunei Darussalam.
Simplify the process for connecting to essential services infrastructure	For industrial sites under the purview of the Brunei Economic Development Board, they will provide the tenants with the basic infrastructure and connection to utilities.

¹⁰ The portal is accessible through: http://onebiz.business.gov.bn/sop/process/MIPR_BBLS/Index

Implement strategies to improve administrative performance at lower levels of government.	improvements in the delivery of public services by Brunei Darussalam civil services is continuous and on-going.
Facilitate availability of high standard business services supporting investment	The Business Facilitation Centre (BFC) was established to provide facilities for applicants who do not have internet access to apply for online licenses through Business Licensing System (BLS). It also provides payment counters for applicants to pay licenses by cash/card and helpdesk for BLS. BFCs are available in all four districts in Brunei Darussalam.
IFAP Principle 5: Build constructive stakeholder relationships	
Specific Actions	Details of implementation
To the extent possible, establish a mechanism to provide interested parties (including business community) with opportunity to comment on proposed new laws, regulations and policies or changes to existing ones prior to their implementation	Currently, this is only practice between G2G where, before the legislation is gazette, they are given an opportunity to review and comment on a proposed regulation before it is enacted.
Continue to share APEC member economies' experiences of successful stakeholder consultative mechanisms	
Promote the role of policy advocacy within IPAs as a means of addressing the specific investment problems raised by investors including those faced by SMEs	BEDB work with other relevant government authorities in improving the business environment for foreign direct investors and local SMEs.
Continue to share APEC member economies' experiences of successful public private dialogue to take advantage of the information on successes and problems encountered by established investors	
Promote backward investment linkages between businesses, especially between foreign affiliates and local enterprises including through the promotion of industry clusters	The Entrepreneurial Development Centre under the Ministry of Industry and Primary Resources regularly consults with SMEs and foreign investors to determine investment barriers and ways to address them.
Encourage high standards of corporate governance through cooperation aimed at promoting international concepts and principles for business conduct, such as APEC's programs on corporate governance and anti-corruption.	
Examine and share APEC member economies' experience with responsible business conduct instruments	
IFAP Principle 6: Utilize new technology to improve investment environments	
Specific Actions	Details of implementation

<p>Promote the introduction and use of new technologies aimed at making the investment process simpler and faster</p>	<p>In February 2013, Brunei Darussalam launched the OneBiz Portal¹¹ which provides all entrepreneurs in Brunei Darussalam with a single government window, allowing online access and application for the required licenses with greater ease and convenience. The initiative aims to streamline, simplify and integrate the application of business licenses from various agencies while saving time and costs for enterprises.</p>
<p>Maintain adequate and effective protection of technology and related intellectual property rights</p>	<p>Continues to promote and maintain effective protection of technology and related intellectual property rights through cooperation between enforcement agencies and the relevant IP office (BruIPO).</p> <p>Currently, Brunei Darussalam Intellectual Property Office (BruIPO) administers the following intellectual property rights legislation:</p> <ul style="list-style-type: none"> i) Patents Order, 2012 ii) Patents Rules, 2013 iii) Trade Marks Act (Cap 98) iv) Trade Marks Rules, 2000 v) Industrial Designs Order, 1999 vi) Industrial Designs Rules, 2000 <p>Membership of International Organizations, Treaties and Agreements:</p> <ul style="list-style-type: none"> i) World Intellectual Property Organization (WIPO) – 21 April 1994 ii) World Trade Organization (WTO) – 1 January 1995 iii) WTO’s Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) iv) Trans Pacific Economic Partnership Agreement (TPP) – June 2005 v) Berne Convention for the Protection of Literary and Artistic Works – 30 August 2006 vi) Paris Convention for the Protection of Industrial Property – 17 November 2011 vii) Patent Cooperation Treaty (PCT) – 24 April 2012 viii) Budapest System for the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure – 24 April 2012 ix) Hague Agreement Concerning the International Registration of Industrial Designs – 24 September 2013

¹¹ The portal is accessible through: http://onebiz.business.gov.bn/sop/process/MIPR_BBLS/Index

Where possible, give effect to international norms for property protection	Currently a party to the Hague Agreement for international registration of designs, the Patent Corporation Treaty (PCT) with plans to accede to the Madrid System for the international registration of Marks by 2015.
IFAP Principle 7: Establish monitoring and review mechanisms for investment policies	
Specific Actions	Details of implementation
Conduct periodic reviews of investment procedures ensuring they are simple, transparent and at lowest possible cost	BEDB work with other relevant government authorities in improving the business environment for foreign direct investors.
IFAP Principle 8: Enhance international cooperation	
Specific Actions	Details of implementation
To the best extent possible, accede to, or observe, multilateral and/or regional investment promotion and facilitation conventions	The Ministry of Foreign Affairs and Trade, Ministry of Industry and Primary Resources and Brunei Economic Development Board participate in international organizations such as ASEAN, APEC, UNCTAD
Make use, where appropriate, of international and regional initiatives aimed at building investment facilitation and promotion expertise, such as those offered by the World Bank, UNCTAD and OECD	Yes
Ensure measures exist to ensure effective compliance with commitments under international investment agreements	Yes
Review existing international agreements and treaties to ensure their provisions continue to create a more attractive environment for investment.	

SUBMISSION BY CANADA

IFAP Principle 1: Promote accessibility and transparency in the formulation and administration of investment-related policies

Specific Actions	Time table	Details of implementation
Publish laws, regulations, judicial decisions and administrative rulings of general application, including revisions and updates.	In place	Canada does this already as a matter of law and practice.
Adopt centralized registry of laws and regulations and make this available electronically.	In place	All national laws and regulations are published on the Justice Canada website: laws.justice.gc.ca
Establish a single window or special enquiry point for all enquiries concerning investment policies and applications to invest	In place	The Canadian Trade Commissioner Service is a single point of contact for all inquiries related to investing in Canada.
Make available all investment-related regulations in clear simple language, preferably in languages commonly used by business	In place	Comprehensive information about investment laws and regulations is available online through Canadian government websites.
Following establishment of an Investment Promotion Agency (IPA), or similar body, and make its existence widely known	In place	Invest in Canada is an investment promotion initiative managed by the Department of Foreign Affairs, Trade and Development.
Make available to investors all rules and other information relating to investment promotion and incentive schemes	In place	In addition to the online resources available, prospective investors are encouraged to connect with the local office of the Trade Commissioner Service
Allow investors to choose their form of establishment within legislative and legal frameworks.	In place	Investors can choose their form of establishment within domestic legal frameworks and Canada's international commitments.
Ensure transparency and clarity in investment-related laws	In place	

IFAP Principle 1: Promote accessibility and transparency in the formulation and administration of investment-related policies

Specific Actions	Time table	Details of implementation
Improve upon the APEC-wide website (e-portal) to replacing the hard copy publication of the APEC Investment Guidebook (IEG)		
Encourage on-line enquiries and on-line information on all foreign investment issues	In place	Information related to foreign investment in Canada is available through the Invest in Canada online portal.
Maintain a mechanism to provide timely and relevant advice of changes in procedures, applicable standards, technical regulations and conformance requirements	In place	The Canada Gazette contains formal public notices, official appointments, proposed regulations, regulations and public Acts of Parliament.
To the extent possible, provide advance notice of proposed changes to laws and regulations and provide an opportunity for public comment	In place	Through the Canada Gazette the government consults the public in the regulatory process. All Canadians have a chance to submit their comments to the relevant department or agency responsible for the proposed regulations before they are enacted or published.
Explore the possibility of using the international benchmarks on a voluntary basis as a reference point for peer dialogue and measuring progress	In place	Consideration is given to international best practices in the development of Canada's foreign investment policies.

IFAP Principle 2: Enhance stability of investment environments, security of property and protection of investments

Specific Actions	Time table	Details of implementation
Establish timely, secure and effective systems of ownership registration and / or property use rights for land and other forms of property	In place	
Create and maintain an effective register of public or state owned property.	In place	Directory of federally owned real property is maintained and published by the Treasury Board of Canada Secretariat: www.tbs-sct.gc.ca/dfrp-rbif

IFAP Principle 2: Enhance stability of investment environments, security of property and protection of investments

Specific Actions	Time table	Details of implementation
Ensure costs associated with land transactions are kept to a minimum including by fostering competition.	In place	Canada has a well-developed private marketplace in the real property sector.
Foster the dissemination of accurate market reputation information including creditworthiness and reliability	In place	
Explore the possibility of using the World Bank Doing Business indicator "Enforcing Contracts" as the basis for peer dialogue and benchmarking and measuring progress across APEC		
Encourage or establish effective formal mechanisms for resolving disputes between investors and host authorities and for enforcing solutions, such as judicial, arbitral or administrative tribunals or procedures	In place	Canada's open, transparent and predictable justice system allows foreign investors to seek recourse in the case of a dispute through domestic courts. Canada's comprehensive Free Trade Agreements (FTAs) and Foreign Investment Promotion and Protection Agreements (FIPAs) provide investors with access to international arbitration. Canada is a party to 27 FIPAs and 8 FTAs which contain provisions for investor-state dispute settlement.
Encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties	In place	
Facilitate commercial dispute resolution for foreign investors by providing reasonable cost complaint-handling facilities, such as complaint service centres, and effective problem-solving mechanisms		
Take steps to accede to an arbitral convention	In place	Canada is a signatory to major arbitral conventions, such as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the ICSID Convention. Canada also includes the UNICTRAL arbitration rules as an option in the dispute settlement provisions of its investment treaties.

IFAP Principle 3: Enhance predictability and consistency in investment-related policies

Specific Actions	Time table	Details of implementation
Increase use of legislative simplification and restatement of laws to enhance clarity and identify and eliminate inconsistency.	In place	The Department of Justice publishes up to date, consolidated versions of all laws and regulations on its website.
Provide equal treatment for all investors in the operation and application of domestic laws and principles on investment	In place	Canada's commitment to non-discriminatory treatment of investors is established in the international treaties to which it is a party, including in its Free Trade Agreements and Foreign Investment Promotion and Protection Agreements.
Reduce the scope for discriminatory bureaucratic discretion in interpreting investment-related regulations	In place	
Maintain clear demarcation of agency responsibilities where an economy has more than one agency screening or authorising investment proposals or where an agency has regulatory and commercial functions	In place	Agency responsibilities are clear and set out in the foreign investment law (Investment Canada Act).
Establish and disseminate widely clear definitions of criteria for the assessment of investment proposals	In place	Criteria for assessment are clearly set out in the law: www.ic.gc.ca/eic/site/ica-lic.nsf/eng/home
Establish accessible and effective administrative decision appeal mechanisms including where appropriate impartial "fast-track" review procedures		

IFAP Principle 4: Improve the efficiency and effectiveness of investment procedures

Specific Actions	Time table	Details of implementation
Simplify and streamline application and, registration, licensing and taxation procedures and establish a one-stop authority, where appropriate, for the lodgement of papers		Given that Canada is a federation certain licensing and taxation procedures for investment are managed at the sub-national level and vary depending on location
Simplify and reduce the number of forms relating to foreign investment and encourage electronic lodgement	In place	All notifications or applications for review of investments can be submitted electronically: www.ic.gc.ca/eic/site/ica-lic.nsf/eng/home
Shorten the processing time and procedures for investment applications.		
Promote use of "silence is consent" rules or no objections within defined time limits to speed up processing times, where appropriate	In place	Canada`s foreign investment law uses this approach.
Ensure the issuing of licences, permits and concessions is done at least cost to the investor		These following actions fall largely within the purview of sub-national governments
Simplify the process for connecting to essential services infrastructure		
Implement strategies to improve administrative performance at lower levels of government.		
Facilitate availability of high standard business services supporting investment		

IFAP Principle 5: Build constructive stakeholder relationships

Specific Actions	Time table	Details of implementation
To the extent possible, establish a mechanism to provide interested parties (including business community) with opportunity to comment on proposed new laws, regulations and policies or changes to existing ones prior to their implementation	In place	Pre-publication in the Canada Gazette gives interested groups and individuals, as well as Canadians in general, an opportunity to review and comment on a proposed regulation before it is enacted
Continue to share APEC member economies' experiences of successful stakeholder consultative mechanisms		
Promote the role of policy advocacy within IPAs as a means of addressing the specific investment problems raised by investors including those faced by SMEs	In place	Canada's federal IPA, the Invest in Canada Bureau, is proactively engaged with government stakeholders and investors to consult and advocate to mitigate business restrictions and challenges and to improve Canada's foreign investment climate
Continue to share APEC member economies' experiences of successful public private dialogue to take advantage of the information on successes and problems encountered by established investors		
Promote backward investment linkages between businesses, especially between foreign affiliates and local enterprises including through the promotion of industry clusters	In place	The Invest in Canada bureau works with local government stakeholders and the private sector to identify key industry sectors for investment attraction
Encourage high standards of corporate governance through cooperation aimed at promoting international concepts and principles for business conduct, such as APEC's programs on corporate governance and anti-corruption.	In place	The Canadian private sector is a world leader in the area of Corporate Social Responsibility (CSR) and Canada is the first economy to have developed a national CSR policy in the extractive sector.
Examine and share APEC member economies' experience with responsible business conduct instruments	Ongoing	Canada is a co-sponsor and presenter at a 2014 ABAC workshop led by Chile on CSR International Instruments for APEC Economies.

IFAP Principle 6: Utilize new technology to improve investment environments

Specific Actions	Time table	Details of implementation
Promote the introduction and use of new technologies aimed at making the investment process simpler and faster		
Maintain adequate and effective protection of technology and related intellectual property rights	In place	Canada supports effective intellectual property rights protection and enforcement that provides certainty and transparency to encourage the marketing of goods, services, technology and entertainment; investment in R&D and innovation; and licensing arrangements to establish or expand existing business investment.
Where possible, give effect to international norms for property protection	In place	Canada has fully implemented its obligations under the WTO TRIPS Agreement, and provides protection for intellectual property consistent with a range of other international IP treaties to which it is a signatory.

IFAP Principle 7: Establish monitoring and review mechanisms for investment policies

Specific Actions	Time table	Details of implementation
Conduct periodic reviews of investment procedures ensuring they are simple, transparent and at lowest possible cost	In place	Canada is committed to ensuring that the foreign investment review process is up to date and effective.

IFAP Principle 8: Enhance international cooperation

Specific Actions	Time table	Details of implementation
To the best extent possible, accede to, or observe, multilateral and/or regional investment promotion and facilitation conventions	In place	Canada is a signatory to major investment promotion conventions such as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the ICSID Convention. Canada also includes the UNICTRAL arbitration rules as an option in the dispute settlement provisions of its investment treaties.
Make use, where appropriate, of international and regional initiatives aimed at building investment facilitation and promotion expertise, such as those offered by the World Bank, UNCTAD and OECD	In place	Canada sits on the OECD Investment Committee responsible for promoting liberalization of policies related to capital movements, direct investment, and trade in services.
Ensure measures exist to ensure effective compliance with commitments under international investment agreements	In place	
Review existing international agreements and treaties to ensure their provisions continue to create a more attractive environment for investment.	In place	Canada conducts a periodic review of its laws and international agreements to ensure that they continue to create an enabling environment for foreign investment.

SUBMISSION BY MEXICO

IFAP Principle 1: Promote accessibility and transparency in the formulation and administration of investment-related policies	
Specific Actions	Details of implementation
Publish laws, regulations, judicial decisions and administrative rulings of general application, including revisions and up-dates.	<p>Yes.</p> <p>According to the Federal Law of Administrative Procedure, administrative rulings of general application, such as regulations, decrees, agreements, official standards and forms, issued by the entities and decentralized bodies of the federal public administration, must be published in the Federal Register in order to produce legal effects.</p> <p>See Art 4 of the Federal Law of Administrative Procedure. http://www.diputados.gob.mx/LeyesBiblio/pdf/112.pdf</p> <p>The Federal Register (<i>Diario Oficial de la Federación</i>) publishes any new rule of general application, including amendments thereto. http://dof.gob.mx/ley-reg.php</p> <p>The Chamber of Deputies of the Federal Congress (Cámara de Diputados) maintains a centralized list of all federal laws and regulations, including amendments. http://www.diputados.gob.mx/LeyesBiblio/index.htm</p> <p>The Supreme Court of Justice (Suprema Corte de Justicia de la Nación) maintains a centralized list of all domestic and international norms, including the Political Constitution, Federal and State laws, international treaties, regulations and others. Judicial criteria may be consulted in the “IUS” system. http://www.scjn.gob.mx/normativa/Paginas/Legislacion.aspx http://ius.scjn.gob.mx/paginas/tesis.aspx</p> <p>In the website “national legal order” (<i>orden jurídico nacional</i>) all laws and regulations, Federal, State, Municipal and International, may also be consulted. http://www.ordenjuridico.gob.mx/</p>
Adopt centralized registry of laws and regulations and make this available electronically.	Yes. See above.

Establish a single window or special enquiry point for all enquiries concerning investment policies and applications to invest	<p>Yes.</p> <p>PROMEXICO, Mexico's Investment Promotion Agency (promotion, softlanding and aftercare). http://www.promexico.gob.mx/es_mx/promexico/home</p>
Make available all investment-related regulations in clear simple language, preferably in languages commonly used by business	<p>Yes.</p> <p>All legal norms, at all levels, may be consulted as explained above.</p> <p>Additional information pertaining investment may be found at: http://www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-juridicos</p> <p>All laws and regulations are available in Spanish.</p>
Following establishment of an Investment Promotion Agency (IPA), or similar body, and make its existence widely known	<p>Yes.</p> <p>By Presidential Decree, PROMEXICO was created in 2007 in order to promote foreign trade as well as foreign direct investment. http://www.promexico.gob.mx/es_us/promexico/Mision_vision_valores_y_objetivos http://www.promexico.gob.mx/work/models/promexico/Resource/85/1/images/DecretoPromexico.pdf</p>
Make available to investors all rules and other information relating to investment promotion and incentive schemes	<p>Yes.</p> <p>See investment support schemes at PROMEXICO's website. http://mim.promexico.gob.mx/wb/mim/inicio/_lang/en</p>
Allow investors to choose their form of establishment within legislative and legal frameworks.	<p>Yes.</p> <p>In general (and in non-regulated sectors) investors are free to organize in the matter they see fit, whether through a branch or a legal corporation.</p> <p>See Art 4, Art 15 and 17 of Foreign Investment Law http://www.diputados.gob.mx/LeyesBiblio/pdf/44.pdf http://www.dof.gob.mx/nota_detalle.php?codigo=5262822&fecha=08/08/2012</p> <p>And see Art 13-15 of Commercial Code (<i>Código de Comercio</i>) http://www.diputados.gob.mx/LeyesBiblio/pdf/3.pdf</p>
Ensure transparency and clarity in investment-related laws	<p>Yes.</p> <p>According to the Federal Law of Administrative Procedure, proposals for the issuance of a federal rule of general application must be accompanied by a cost-benefit analysis (Regulatory Impact Assessment) and go through a mandatory prior public consultation administered by COFEMER, the federal regulatory oversight body.</p> <p>http://www.cofemer.gob.mx/ http://www.diputados.gob.mx/LeyesBiblio/pdf/112.pdf</p>
Improve upon the APEC-wide website (e-portal) to replacing the hard copy publication of the APEC Investment Guidebook (IEG)	<p>Yes.</p> <p>Both the website of the Ministry of Economy and the website of APEC have the investment guide that can be downloaded or printed.</p>

	<p>Is not possible to consult the document online, it has to be downloaded. The links are:</p> <p>http://www.economia.gob.mx/files/comunidad_negocios/ied/guia_inversionista.pdf http://publications.apec.org/publication-detail.php?pub_id=1158</p>
Encourage on-line enquiries and on-line information on all foreign investment issues	<p>Yes. Both the Directorate-General of Foreign Investment and PROMEXICO may receive online enquiries.</p>
Maintain a mechanism to provide timely and relevant advice of changes in procedures, applicable standards, technical regulations and conformance requirements	<p>Yes. See above. http://www.cofemer.gob.mx/</p>
To the extent possible, provide advance notice of proposed changes to laws and regulations and provide an opportunity for public comment	<p>Yes. See above. http://www.cofemer.gob.mx/</p>
Explore the possibility of using the international benchmarks on a voluntary basis as a reference point for peer dialogue and measuring progress	<p>Yes. The public and private dialogues as well as recommendations submitted on international fora in which Mexico participates, such as APEC, serve as a reference point. Also, there are conferences and meetings organized by PROMEXICO to approach investors.</p> <p>Mexico is looking for better practices on investment policies around the world to get ideas for improvement of internal policies.</p>
IFAP Principle 2: Enhance stability of investment environments, security of property and protection of investments	
Specific Actions	Details of implementation
Establish timely, secure and effective systems of ownership registration and / or property use rights for land and other forms of property	<p>Yes. The public registries of property and land cadastre offices represent one of the cornerstones to guard and establish property rights in Mexico.</p> <p>The public registries of property offices are responsibilities of State governments, and land cadastre offices are responsibilities of Municipalities.</p> <p>Because Mexico is organized as a federation, in practice this means that State and Municipal governments are able to design and deliver public policies in an autonomous way. As a result, in the case of the public registries of property and land cadastre offices, the performance of their activities varies from case to case, and is determined to a large extent by differences in their institutional design.</p> <p>For instance, the Public Registry of Property and Commerce office of Mexico City has a well developed website that can be found at:</p>

	http://www.consejeria.df.gob.mx/home.php?direccion=NQ==&
Create and maintain an effective register of public or state owned property.	Yes. The public property registry was created to develop an effective and updated database of public or state owned property. http://www.consejeria.df.gob.mx/detalle.php?contenido=MjA=&direccion=NQ==&
Ensure costs associated with land transactions are kept to a minimum including by fostering competition.	Yes. See above.
Foster the dissemination of accurate market reputation information including creditworthiness and reliability	Yes. See above. Regarding property, the public registries of property and land cadastre offices maintain accurate information open to the public, allowing third parties to research land titles and liens on titles. For instance, see the website of the Public Registry of Property and Commerce office of Mexico City: http://www.consejeria.df.gob.mx/home.php?direccion=NQ==&
Explore the possibility of using the World Bank <i>Doing Business</i> indicator “Enforcing Contracts” as the basis for peer dialogue and benchmarking and measuring progress across APEC	Yes. <i>Doing Business</i> indicators serve as a basis for benchmarking and measuring progress. According to data collected by <i>Doing Business</i> , in Mexico, enforcing a contract takes 400 days, costs 31.0% of the value of the claim and requires 38 procedures In the 2014 edition, globally, Mexico stands at 71 in the ranking of 189 economies on the ease of enforcing contracts.
Encourage or establish effective formal mechanisms for resolving disputes between investors and host authorities and for enforcing solutions, such as judicial, arbitral or administrative tribunals or procedures	Yes. The Mexican legal system provides different mechanisms for resolving disputes between investors and host authorities, where foreigners have access to the same conditions as nationals.
Encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties	Yes. Mexico recognizes arbitration as an alternative dispute resolution method. The Federal Commercial Code sets forth basic recognition and use of arbitration and recognizes the enforcement of foreign arbitral awards. Furthermore, FTAs and BITs signed by Mexico include provisions on investor-state dispute settlement. http://www.economia.gob.mx/comunidad-negocios/comercio-exterior/tlc-acuerdos/acuerdos-internacionales-de-inversion http://www.economia.gob.mx/comunidad-negocios/comercio-exterior/solucion-controversias
Facilitate commercial dispute resolution for foreign investors by providing reasonable cost complaint-handling facilities, such as complaint service centres, and effective problem-solving mechanisms.	Yes. See above. http://www.economia.gob.mx/comunidad-negocios/comercio-exterior/solucion-controversias
Take steps to accede to an arbitral convention	Yes. See above. Investor-State arbitrations have been conducted under the ICSID Additional Facility Rules and under UNCITRAL rules in the case of Mexico, as provided in its FTAs and BITs. Mexico is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the "New York Convention").

IFAP Principle 3: Enhance predictability and consistency in investment-related policies	
Specific Actions	Details of implementation
Increase use of legislative simplification and restatement of laws to enhance clarity and identify and eliminate inconsistency.	Yes. The Federal Law of Administrative Procedure provides the legal framework for regulatory improvement on the basis of analysis, transparency and public consultation. See Art 69-D, 69-E and 69-H of the Federal Law of Administrative Procedure: http://www.diputados.gob.mx/LeyesBiblio/pdf/112.pdf http://www.cofemer.gob.mx/
Provide equal treatment for all investors in the operation and application of domestic laws and principles on investment	Yes. Mexico accords to foreign investors the same level of treatment than that accorded in like circumstances to domestic investors, with exceptions as clearly provided for in domestic laws and regulations.
Reduce the scope for discriminatory bureaucratic discretion in interpreting investment-related regulations	Yes. Investment regulations are applied in a non-discriminatory manner as clearly provided for in domestic laws and regulations.
Maintain clear demarcation of agency responsibilities where an economy has more than one agency screening or authorising investment proposals or where an agency has regulatory and commercial functions	Yes. There is a clear demarcation of the responsibilities of the Directorate-General of Foreign Investment, as established in the Foreign Investment Law, and PROMEXICO, as established in the Presidential Decree of 2007. http://www.diputados.gob.mx/LeyesBiblio/pdf/44.pdf http://www.promexico.gob.mx/work/models/promexico/Resource/85/1/images/DecretoPromexico.pdf
Establish and disseminate widely clear definitions of criteria for the assessment of investment proposals	Yes. Mexico's Foreign Investment Law and its regulations set forth the criteria for the assessment of investment proposals. See Art. 28-30 of Foreign Investment Law http://www.diputados.gob.mx/LeyesBiblio/pdf/44.pdf
Establish accessible and effective administrative decision appeal mechanisms including where appropriate impartial "fast-track" review procedures	It does not apply.
IFAP Principle 4: Improve the efficiency and effectiveness of investment procedures	
Specific Actions	Details of implementation
Simplify and streamline application and, registration, licensing and taxation procedures and establish a one-stop authority, where appropriate, for the lodgement of papers	Yes. There has been a permanent effort by the Mexican government to promote the use of electronic means and facilitate compliance with fiscal obligations and as a result, the number of payments and the time required to comply with taxes in Mexico has decreased. The main elements of the strategy have been:

	<p>Taxpayer Registration Most of the process is carried out through electronic means: Taxpayer can fill a pre-registration form online and schedule appointments at the SAT offices to obtain their Tax Identification Number (TIN). http://www.sat.gob.mx/sitio_internet/informacion_fiscal/tramites_fiscales/registro_t/101_11875.html Through the same system, taxpayers can obtain and update the Advanced Electronic Signature (FIEL).</p> <p>Widespread use of electronic means for tax compliance http://www.sat.gob.mx/sitio_internet/informacion_fiscal/tramites_fiscales/102_12004.html Business and individual taxpayers are required to file and pay taxes through Internet. Taxpayers can integrate VAT and Income tax payments in only one payment through the declaration and payments service (“<i>Servicio de Declaraciones y Pagos</i>”).</p> <p>Measures to facilitate the application of benefits established in tax treaties are provided when fiscal residence certificate is granted Regulatory modifications were made to facilitate the application of tax treaty benefits. Under the new regime, tax treaty benefits can be applied directly when the nonresident taxpayer provides to the tax withholder a certificate of residence of an economy with a tax treaty with Mexico.</p> <p>One stop authority / Ventanilla Única de Comercio Exterior Mexicano “VUCEM” In order to simplify the existing processes and reduce the cost of international trade and support the competitiveness of Mexican companies, since November 2011 a “one stop shop” called “Ventanilla Única” started operations (www.ventanillaunica.gob.mx). The Ventanilla Única system allows delivering standardized electronic information to a single entity in order to comply with all requirements related to imports, exports and merchandise in transit thus offering the taxpayers a single contact point. The Federal Government agencies involved on Ventanilla Única interface are:</p> <ul style="list-style-type: none"> • Tax Administration Service - Customs Office • Ministry of Economy • National Service of Agro Alimentary Health, Safety and Quality • Federal Commission for the Protection against Sanitary Risk • Ministry of Environment and Natural Resources • Ministry of National Defense • Ministry of Energy
Simplify and reduce the number of forms relating to foreign investment and encourage electronic lodgement	Yes. In 2012, the National Foreign Investment Commission simplified the procedure for the establishment of foreign legal entities in Mexico.

	<p>Foreign legal entities whose economy of incorporation is one of the following: United States, Canada, Chile, Costa Rica, Colombia, Nicaragua, El Salvador, Guatemala, Honduras, Uruguay, Japan or Peru; do not require the authorization set forth in Art 17 of the Foreign Investment Law (FIL), providing a written submission through the legal representative, declaring that the following requirements are met:</p> <ol style="list-style-type: none"> i. that the corporate charter and other incorporation documents are not contrary to Mexican public policy established in law; ii. that they are duly organized in accordance with the laws of their own economy; iii. in the case of the persons to which Art 17 Section I refers, they shall establish themselves in the Republic or maintain an office or branch therein, indicating the respective address, or iv. in the case of the persons to which Art 17 Section II refers, they shall maintain a representative in the place in Mexico in which they will operate, in charge of their obligations, indicating the respective name and address <p>In 2014, the National Foreign Investment Commission extended this criteria to foreign legal entities registered and incorporated under the laws of the World Trade Organization members. http://dof.gob.mx/nota_detalle.php?codigo=5344328&fecha=13/05/2014</p>
Shorten the processing time and procedures for investment applications.	<p>Yes. In 2010, the National Foreign Investment Registry eliminated the statutory payments of the procedures before the Registry. The National Foreign Investment Registry also improved its web page to promote electronic submission. http://www.rnie.economia.gob.mx/RNIE/faces/main.xhtml</p>
Promote use of “silence is consent” rules or no objections within defined time limits to speed up processing times, where appropriate	<p>Yes. Mexico has implemented “silence is consent” rules (<i>afirmativa ficta</i>) in a number of procedures referred to in the Foreign Investment Law. http://www.diputados.gob.mx/LeyesBiblio/pdf/44.pdf</p>
Ensure the issuing of licences, permits and concessions is done at least cost to the investor	<p>No. The issuing of licenses, permits and concessions and the associated costs varies based on the economic sector and among the different local authorities involved.</p>
Simplify the process for connecting to essential services infrastructure	<p>Yes. Processes and facilitation for connecting to essential services infrastructure varies among the different local authorities involved.</p>

<p>Implement strategies to improve administrative performance at lower levels of government.</p>	<p>Yes. Derived from the success of the regulatory reform strategy implemented within the Federal Government between 2008 and 2011, the Ministry of Economy had the task of working on a major boost Regulatory Improvement Agenda, specifically at the State and municipal levels, called the "Multi-Level Agenda".</p> <p>One of the pillars of the "Multi-Level Agenda" focuses on encouraging the Federal Government to support the efforts of the states and municipalities in the implementation of best practices in Regulatory Improvement. For this purpose, the Federal Congress (<i>Congreso de la Unión</i>) appointed, within the Expenditure Budget of the Federation 2012, a specific item for Regulatory Improvement (through the Small and Medium Enterprises Fund).</p> <p>To January 2013, the Small and Medium Enterprises Fund Committee has approved 50 projects in 22 states, one municipality (Salamanca, Guanajuato) and 3 Organisms (CIDE, AMSDE and CIDAC), for a total of 170 million Mexican pesos, of which the Ministry of Economy participated with 77% of the resources.</p> <p>This information is public and is available at the portal www.agendamultinivel.economia.gob.mx</p> <p>Among the projects approved, the following are highlighted: Registry's Guillotine of Procedures and Services, Design and Implementation of Regulatory Impact Assessment, Strengthening and Modernization of the State Register of Formalities and Services, and Strengthening and Development of Business Centers.</p>
<p>Facilitate availability of high standard business services supporting investment</p>	<p>Yes. In order to support foreign companies located in Mexico to grow as well as provide assistance to companies interested in investing in Mexico or purchase Mexican products, PROMEXICO offers a range of services for investors, such as softlanding and aftercare services.</p> <p>http://www.promexico.gob.mx/en_us/promexico/ServiciosExt</p>
<p>IFAP Principle 5: Build constructive stakeholder relationships</p>	
<p>Specific Actions</p>	<p>Details of implementation</p>
<p>To the extent possible, establish a mechanism to provide interested parties (including business community) with opportunity to comment on proposed new laws, regulations and policies or changes to existing ones prior to their implementation</p>	<p>Yes. According to the Federal Law of Administrative Procedure, proposals for the issuance of a federal rule of general application must be accompanied by a Regulatory Impact Assessment and go through a mandatory prior public consultation administered by COFEMER, the federal regulatory oversight body.</p> <p>http://www.cofemer.gob.mx/ http://www.diputados.gob.mx/LeyesBiblio/pdf/112.pdf</p>

Continue to share APEC member economies' experiences of successful stakeholder consultative mechanisms	Yes. Mexico continues participating in international fora, represented by the Ministry of Economy. http://www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-internacionales
Promote the role of policy advocacy within IPAs as a means of addressing the specific investment problems raised by investors including those faced by SMEs	Yes. The website of PROMEXICO provides advice to both foreign and domestic investors about information of the strategic industries in Mexico. There is a special area which gives support to investors in case of any problem. http://www.promexico.gob.mx/en_mx/promexico/Empresario_Extranjero
Continue to share APEC member economies' experiences of successful public private dialogue to take advantage of the information on successes and problems encountered by established investors	Yes. Mexico continues participating in international fora, represented by the Ministry of Economy. http://www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-internacionales
Promote backward investment linkages between businesses, especially between foreign affiliates and local enterprises including through the promotion of industry clusters	Yes. Mexico, through the Ministry of Economy, promotes events with local and foreign companies to create linkages and help build strong relationships. http://www.economia.gob.mx/mexico-emprende/empresas Also see PROMEXICO website: http://www.promexico.gob.mx/es_mx/promexico/home
Encourage high standards of corporate governance through cooperation aimed at promoting international concepts and principles for business conduct, such as APEC's programs on corporate governance and anti-corruption.	Yes. In recent years, there have been a number of major reforms related to corporate governance in Mexico, including the drafting of an early voluntary code of best practice and the redrafting of key provisions of the Securities Market Law. The progress that has been made in promoting good corporate governance has been set against the concentrated ownership and control structure of many Mexican firms, weak enforcement of shareholder rights and concerns about reform fatigue. In 2004, the Center for Excellence in Corporate Governance (<i>Centro de Excelencia en Gobierno Corporativo, or CEGC</i>) was founded. Its objectives are to provide board members and executives with information, methodologies and best corporate governance practices that will increase efficiency and transparency levels, facilitate compliance with existing regulations, and generate greater investor confidence to enhance their economic and social value.
Examine and share APEC member economies' experience with responsible business conduct instruments	The Directorate-General of Foreign Investment acts as the National Contact Point (NCP) of the OECD Guidelines for Multinational Enterprises in Mexico. This Directorate works with other APEC economies (also OECD members or adherent governments to the OECD Guidelines) to promote Corporate Social Responsibility (CSR), without prejudice of sharing these experiences and inputs with other APEC economies interested on the implementation of CSR practices.

IFAP Principle 6: Utilize new technology to improve investment environments	
Specific Actions	Details of implementation
Promote the introduction and use of new technologies aimed at making the investment process simpler and faster	<p>New website of the National Registry of Foreign Investment (RNIE). The Ministry of Economy launched the new website that simplifies the procedures and operations of the National Registry of Foreign Investments. These new tool will facilitate compliance with obligations of foreign individuals or legal entities and will optimize the operation of the RNIE. The new website, which came into operation on September 2012, includes all of the procedures carried out before the RNIE, without the need for physical submission and it gives access to electronic records to check the status of each process, and the overall record of the company.</p> <p>The Ministry of Economy designed a simpler format for each procedure and section of RNIE and the data requested to users decreased by 30%. http://www.rnie.economia.gob.mx/RNIE/faces/main.xhtml</p>
Maintain adequate and effective protection of technology and related intellectual property rights	<p>The Mexican Industrial Property Law provides protection to patents and trademarks, and has also provisions for an effective protection against counterfeiting; this law can be consulted at the following website: http://www.impi.gob.mx/wb/impi_en/industrial_property_law</p> <p>The Mexican Institute of Industrial Property (IMPI) was created in 1994 providing diverse services. Since its creation it has incorporated modern systems to facilitate the requests of patents and trademarks as well as making the IP system a user-friendly one.</p> <p>Among the more relevant electronic services the Institute has implemented are:</p> <p>SIGA Database, is a database that includes Trademarks, Patents, Utility Models, Industrial Designs and Patent Applications; this database, is free of charge: http://siga.impi.gob.mx/#busqueda</p> <p>E-filing system: It offers an option on electronic filling for Trademarks and Industrial Designs: https://eservicios.impi.gob.mx/seimpi/action/rduindex http://eservicios.impi.gob.mx/seimpi/action/rdudi</p>
Where possible, give effect to international norms for property protection	<p>Mexico is in compliance of the following international instruments on intellectual property protection:</p> <ul style="list-style-type: none"> • 16 Free Trade Agreements that contain intellectual property chapters http://www.impi.gob.mx/TemasInteres/Paginas/tratados_de_libre_comercioacuerdos.aspx • 13 International Treaties on industrial property:

	<p>http://www.impi.gob.mx/TemasInteres/Paginas/marco_juridico_internacional_en_propiedad_intelect.aspx</p> <ul style="list-style-type: none"> • 21 Treaties on Copyrights: http://www.wipo.int/treaties/en/ShowResults.jsp?country_id=123C&start_year=ANY&end_year=ANY&search_what=C&treaty_all=ALL
IFAP Principle 7: Establish monitoring and review mechanisms for investment policies	
Specific Actions	Details of implementation
Conduct periodic reviews of investment procedures ensuring they are simple, transparent and at lowest possible cost	Yes. Mexico maintains the minimum investment procedures.
IFAP Principle 8: Enhance international cooperation	
Specific Actions	Details of implementation
To the best extent possible, accede to, or observe, multilateral and/or regional investment promotion and facilitation conventions	
Make use, where appropriate, of international and regional initiatives aimed at building investment facilitation and promotion expertise, such as those offered by the World Bank, UNCTAD and OECD	Yes. The Ministry of Economy actively participates in international organizations, such as the World Bank, UNCTAD, OECD, APEC and works on standardizing global proposals into Mexican practices. http://www.economia.gob.mx/comunidad-negocios/comercio-exterior/organismos-multilaterales http://www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-internacionales
Ensure measures exist to ensure effective compliance with commitments under international investment agreements	Yes. Concrete actions undertaken by Mexico to “Promote Investment and Prevent Dispute Settlements” to create a more attractive environment for investment, began in 2011 and will continue Expected outcomes To strengthen the investment climate and to promote and develop a modern federalism
Review existing international agreements and treaties to ensure their provisions continue to create a more attractive environment for investment.	Yes. The review of the IPPA model. Expected outcomes. Mexico’s experience is being reflected in a continuous manner through the text The completion of the Project: CTI/15/10T IIAs Negotiators Handbook: APEC/UNTAD MODULES Expected outcomes

	To disseminate the APEC modules to a wide range of investment and development stakeholders, hence ensuring its direct impact on IIA policy making and related debates
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SUBMISSION BY NEW ZEALAND

IFAP Principle 1: Promote accessibility and transparency in the formulation and administration of investment-related policies			
Specific Actions	Time Table	Details of implementation	Expected outcomes
Publish laws, regulations, judicial decisions and administrative rulings of general application, including revisions and up-dates.	In place	Official versions of New Zealand legislation are available online at http://legislation.govt.nz . Judicial decisions are available online at https://forms.justice.govt.nz/jdo/Introduction.jsp and http://www.courtsofnz.govt.nz/from/decisions/judgments and http://www.nzlii.org/	
Adopt centralized registry of laws and regulations and make this available electronically.	In place	Official versions of all New Zealand laws and regulations are available here: http://www.legislation.govt.nz/ For copies of judicial decisions see: http://www.courtsofnz.govt.nz/from/decisions/judgments http://www.nzlii.org/ https://forms.justice.govt.nz/jdo/Introduction.jsp	
Establish a single window or special enquiry point for all enquiries concerning investment policies and applications to invest	In place	New Zealand Trade and Enterprise and the Overseas Investment Office field investment related enquiries: https://www.nzte.govt.nz/en/invest/ http://www.linz.govt.nz/overseas-investment	
Make available all investment-related regulations in clear simple language, preferably in languages commonly used by business	In place	The Overseas Investment Office publishes guidelines and other information about investment regulations that are targeted at business users: http://www.linz.govt.nz/overseas-investment	
Following establishment of an Investment Promotion Agency (IPA), or similar body, and make its existence widely known	In place	New Zealand Trade and Enterprise promotes foreign investment in New Zealand: https://www.nzte.govt.nz/en/invest/	
Make available to investors all rules and other information relating to investment promotion and incentive schemes	In place		
Allow investors to choose their form of establishment within legislative and legal frameworks.	In place	Investors can choose their form of establishment within legislative and legal frameworks. New Zealand ranks first for 'starting a business' in the World Bank Doing Business Survey.	
Ensure transparency and clarity in investment-related laws			

<p>Improve upon the APEC-wide website (e-portal) to replacing the hard copy publication of the APEC Investment Guidebook</p> <p>Encourage on-line enquiries and on-line information on all foreign investment issues</p> <p>Maintain a mechanism to provide timely and relevant advice of changes in procedures, applicable standards, technical regulations and conformance requirements</p> <p>To the extent possible, provide advance notice of proposed changes to laws and regulations and provide an opportunity for public comment</p> <p>Explore the possibility of using the international benchmarks on a voluntary basis as a reference point for peer dialogue and measuring progress</p>	<p>In place</p> <p>N/A</p> <p>In place</p> <p>In place</p> <p>In place</p> <p>In place</p>	<p>Official versions of New Zealand's laws and regulations are available at: http://www.legislation.govt.nz/. The Government's Directive Letter to the Overseas Investment Office (setting out the Government's general policy approach to overseas investment) is available at http://www.linz.govt.nz/sites/default/files/docs/overseas-investment/oio-publications-ministerial-directive-letter.pdf. New Zealand's overseas investment legislation was last reviewed in 2009/2010 and changes were put in place to improve clarity and transparency – see http://www.treasury.govt.nz/publications/informationreleases/overseasinvestment/review2009</p> <p>This is an IEG activity.</p> <p>Information is available online here: https://www.nzte.govt.nz/en/invest/ http://www.linz.govt.nz/overseas-investment</p> <p>Updates are available via the Overseas Investment Office: http://www.linz.govt.nz/overseas-investment/about-oio/news</p> <p>Standard legislative practice in New Zealand requires that there be several stages that a bill passes before becoming an Act of Parliament. These stages ensure that a bill is subject to public debate and scrutiny and for a bill to be changed. Regulations must not come into force until at least 28 days after they have been notified in the <i>New Zealand Gazette</i>. The rule reflects the principle that the law should be available and capable of being understood before it comes into force. These and other procedures are reflected through New Zealand's existing international trade obligations relating to transparency.</p> <p>New Zealand considers international best practice in developing foreign investment policy.</p>	
IFAP Principle 2 Enhance stability of investment environments, security of property and protection of investments			
Specific Actions	Time Table	Details of implementation	Expected outcomes

<p>Establish timely, secure and effective systems of ownership registration and / or property use rights for land and other forms of property</p>	<p>In place</p>	<p>New Zealand’s Land Register is secure, electronic, and publically searchable. It enables solicitors/conveyancers to electronically search and register dealings against land registers (“e-dealing”) – see http://www.landonline.govt.nz/about-landonline/introduction and http://www.linz.govt.nz/survey-titles/land-records/how-to-order - you can order land records online.</p> <p>It is a world-leading system (http://www.linz.govt.nz/about-linz/news-publications-and-consultations/corporate-publications/annual-report/annual-report-0910/introduction/from-the-ce) that has received favourable reviews (http://my.lawsociety.org.nz/news/2012/landonline-system-world-leading). New Zealand is also ranked second in the World Bank’s <i>Doing Business</i> Survey for ‘registering property’.</p>	
<p>Create and maintain an effective register of public or state owned property.</p>	<p>In place</p>	<p>Applicable rulings, standards and guidelines relating to land transactions are published at: http://www.linz.govt.nz/survey-titles/land-registration/land-titles-standards.</p> <p>Whilst there is currently no central register of public or state owned property (administering departments administer their own land portfolios), in September 2012 LINZ implemented a new joint land information management system, NaPALIS, with the Department of Conservation. This system integrated a large number of previous systems and enables improved management and reporting by LINZ. The system is being made available to other public sector organisations http://www.linz.govt.nz/about-linz/news-publications-and-consultations/corporate-publications/crown-land.</p>	
<p>Ensure costs associated with land transactions are kept to a minimum including by fostering competition.</p>	<p>In place</p>	<p>In addition LINZ established the Crown Property Centre of Expertise in relation to Crown Asset management (http://www.linz.govt.nz/node/8206) LINZ’s 10 year strategy “the power of where” and its focus on the provision of geospatial or location based information should help in the more ready identification of Crown Land.</p>	
<p>Foster the dissemination of accurate market reputation information including creditworthiness and reliability</p>	<p>In place</p>	<p>Land registration fees are currently set on a cost recovery basis and in efficiencies have been gained by introducing the electronic system.</p>	
<p>Explore the possibility of using the World Bank <i>Doing Business</i> indicator “Enforcing Contracts” as the basis for peer dialogue and benchmarking and measuring progress across APEC</p>	<p>In place</p>	<p>Information on the New Zealand investment climate is available from a wide variety of sources.</p>	
<p>Encourage or establish effective formal mechanisms for resolving disputes between investors and host authorities and</p>	<p>In place</p>		

for enforcing solutions, such as judicial, arbitral or administrative tribunals or procedures	In place	New Zealand has an open, transparent and predictable justice system that provides investors the capacity to seek recourse in the case of a dispute through domestic courts. Outside the general courts are a range of courts and tribunals with jurisdiction over specialist subject-matters, include the Employment Relations Authority and the Employment Court; the Environment Court; the Taxation Review Authority; and the Weathertight Homes Tribunal.	
Encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties	In place	When necessary, facilitation for international arbitration is provided for the settlement of international commercial disputes between private parties, including guidance on arbitration clauses and types of arbitration. International commercial disputes are governed by the Arbitration Act 1996. The Arbitration Act includes rules based on international commercial arbitration based on the United Nations Commission on International Trade Law Model. The Arbitration Act 1996 is available at : http://www.legislation.govt.nz/act/public/1996/0099/latest/DLM403277.html	
Facilitate commercial dispute resolution for foreign investors by providing reasonable cost complaint-handling facilities, such as complaint service centres, and effective problem-solving mechanisms	In place	New Zealand facilitates a range of alternative cost-efficient complaint-handling facilities, including formal negotiations, mediation, and expert determination. Foreign investors have the same access as domestic investors to such facilities. A range of sector specific schemes, either government or industry led, are also in place. For example, the Electricity and Gas Complaints Commissioner Scheme offers a free and independent service for resolving complaints about electricity and gas companies.	
Take steps to accede to an arbitral convention	In place	New Zealand is a member to major arbitral institutions including the International Chamber of Commerce (ICC), the American Arbitration Association (AAA), and the London Court of International Arbitration (LCIA). In addition, New Zealand is a signatory to major arbitral conventions, including the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), the International Centre for Settlement of Investment Disputes (ICSID) Convention.	
IFAP Principle 3 Enhance predictability and consistency in investment-related policies			
Specific Actions	Time Table	Details of implementation	Expected outcomes
Increase use of legislative simplification and restatement of laws to enhance clarity and identify and eliminate inconsistency.	In place	A simple explanation of New Zealand's investment-related laws and regulations is available here: http://www.linz.govt.nz/overseas-investment	
Provide equal treatment for all investors in the operation and application of domestic laws and principles on investment	In place	New Zealand applies the principle of national treatment to the vast majority of measures that pertain to foreign investment. New Zealand's Overseas Investment	

<p>Reduce the scope for discriminatory bureaucratic discretion in interpreting investment-related regulations</p> <p>Maintain clear demarcation of agency responsibilities where an economy has more than one agency screening or authorising investment proposals or where an agency has regulatory and commercial functions</p> <p>Establish and disseminate widely clear definitions of criteria for the assessment of investment proposals</p> <p>Establish accessible and effective administrative decision appeal mechanisms including where appropriate impartial “fast-track” review procedures</p>	<p>In place</p> <p>In place</p> <p>In place</p> <p>In place</p>	<p>Act 2005 requires prior approval of foreign investment in the following limited categories:</p> <ul style="list-style-type: none"> - sensitive land or an interest in sensitive land; - business assets worth more than \$100 million; or - fishing quota or an interest in fishing quota. <p>These terms are further defined in the Act (http://www.legislation.govt.nz/act/public/2005/0082/latest/DLM356881.html).</p> <p>New Zealand’s Overseas Investment Act 2005 and sections 56 to 58B of the Fisheries Act 1996 clearly set out the criteria used to assess foreign investment applications in New Zealand. These are explained here: http://www.linz.govt.nz/overseas-investment/applications/technical-resources.</p> <p>In New Zealand, only one agency screens investment proposals - the Overseas Investment Office. Investment proposals are authorised either by the relevant Ministers specified in the overseas investment legislation or Overseas Investment Office officials under delegation from those Ministers. The Overseas Investment Office does not have any commercial functions.</p> <p>New Zealand’s Overseas Investment Act and sections 56 to 58B of the Fisheries Act 1996 clearly sets out the criteria used to assess foreign investment applications in New Zealand. These are explained here: http://www.linz.govt.nz/overseas-investment/applications/technical-resources.</p> <p>Decisions on foreign investment applications can be judicially reviewed by the High Court of New Zealand.</p>	
IFAP Principle 4: Improve the efficiency and effectiveness of investment procedures			
Specific Actions	Time Table	Details of implementation	Expected outcomes
<p>Simplify and streamline application and, registration, licensing and taxation procedures and establish a one-stop authority, where appropriate, for the lodgement of papers</p> <p>Simplify and reduce the number of forms relating to foreign investment and encourage electronic lodgement</p>	<p>Not in place</p> <p>In place</p>	<p>Where foreign investment requires prior approval under the Overseas Investment Act 2005, applications are assessed by the Overseas Investment Office. It assesses applications for consent and advises Ministers on how the application should be decided. The Overseas Investment Office does not deal with company registration, licensing or taxation procedures. It is not deemed necessary to further consolidate these services at this time.</p> <p>The Overseas Investment Act 2005 sets out the procedure for making an application for consent and for granting consent and additional guidance can be</p>	

Shorten the processing time and procedures for investment applications.	In place	found on the Overseas Investment Office’s website, including template application forms. Applicants for consent are required to provide the Overseas Investment Office with an electronic version of the application.	
Promote use of “silence is consent” rules or no objections within defined time limits to speed up processing times, where appropriate	Not appropriate	<p>The Overseas Investment Office must perform its functions in a timely, consistent and efficient manner – refer paragraph 31a of the Government’s Directive Letter http://www.lincoln.govt.nz/sites/default/files/docs/overseas-investment/oio-publications-ministerial-directive-letter.pdf. There is no statutory timeframe within which an application must be decided. However, the Overseas Investment Office has developed internal targets to drive down processing times. Target processing times are reported on the Overseas Investment Office website: http://www.lincoln.govt.nz/overseas-investment/applications/assessment.</p> <p>New Zealand’s overseas investment legislation requires a positive decision to be made. It is not appropriate that a decision follows silence or no objections within a specified time period.</p>	
Ensure the issuing of licences, permits and concessions is done at least cost to the investor	In place	<p>The Government’s policy is that application fees for overseas investment applications are borne by the investor. Refer paragraph 31d of the Government’s Directive Letter http://www.lincoln.govt.nz/sites/default/files/docs/overseas-investment/oio-publications-ministerial-directive-letter.pdf. However, in setting fees there are Government guidelines that must be adhered to, to ensure that fees, to the fullest extent possible, cover operating costs only and do not constitute a tax. In addition, consultation processes with affected fee- payers routinely take place before new fees are set. Fees are set by regulation. There is an independent process for examination of regulations (via the Regulations Review Committee) and legislation that allows regulations to be disallowed in certain circumstances.</p>	
Simplify the process for connecting to essential services infrastructure			
Implement strategies to improve administrative performance at lower levels of government.			
Facilitate availability of high standard business services supporting investment	In place		

IFAP Principle 5: Build constructive stakeholder relationships			
Specific Actions	Time Table	Details of implementation	Expected outcomes
To the extent possible, establish a mechanism to provide interested parties (including business community) with opportunity to comment on proposed new laws, regulations and policies or changes to existing ones prior to their implementation	In place	This is standard legislative practice in New Zealand.	
Continue to share APEC member economies' experiences of successful stakeholder consultative mechanisms	N/A	This is an IEG action	
Promote the role of policy advocacy within IPAs as a means of addressing the specific investment problems raised by investors including those faced by SMEs			
Continue to share APEC member economies' experiences of successful public private dialogue to take advantage of the information on successes and problems encountered by established investors	N/A	This is an IEG action	
Promote backward investment linkages between businesses, especially between foreign affiliates and local enterprises including through the promotion of industry clusters			
Encourage high standards of corporate governance through cooperation aimed at promoting international concepts and principles for business conduct, such as APEC's programs on corporate governance and anti-corruption.	In Place	New Zealand is an active participant in the APEC IFAP.	
Examine and share APEC member economies' experience with responsible business conduct instruments	N/A	This is an IEG action	
IFAP Principle 6: Utilize new technology to improve investment environments			
Specific Actions	Time Table	Details of implementation	Expected outcomes
Promote the introduction and use of new technologies aimed at making the investment process simpler and faster	In place	The Overseas Investment Office has made significant investment into new technologies in order to capture relevant data and streamline its assessment processes. Relevant information for applicants is also available online and processes are in place to regularly update that information. A significant upgrade	

Maintain adequate and effective protection of technology and related intellectual property rights	In place	of the OIO's website is scheduled to go live by late 2014. See comments above on LINZ's world leading online land registration system – Landonline.	
Where possible, give effect to international norms for property protection	In place	New Zealand ranks first for 'protecting investors' in the World Bank Doing Business Survey, reflecting New Zealand's established practices in this area. For example, under the Public Works Act 1981, if any land is acquired or taken for any public work, or suffers damage as specified in the Act, then the owner of the land is entitled to full compensation from the New Zealand government. An explanation of this can be found on the website of Land Information New Zealand at: http://www.linz.govt.nz/crown-property/public-works/guide/compensation . Such practices are also reflected in New Zealand's international trade and investment agreements, including in areas such as intellectual property.	
IFAP Principle 7: Establish monitoring and review mechanisms for investment policies			
Specific Actions	Time Table	Details of implementation	Expected outcomes
Conduct periodic reviews of investment procedures ensuring they are simple, transparent and at lowest possible cost	In place	New Zealand's Overseas Investment Act was comprehensively reviewed in 2009-2010.	
IFAP Principle 8: Enhance international cooperation			
Specific Actions	Time Table	Details of implementation	Expected outcomes
To the best extent possible, accede to, or observe, multilateral and/or regional investment promotion and facilitation conventions	In Place	New Zealand is a signatory to major investment promotion conventions, including the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the ICSID Convention and the OECD Codes of Liberalisation.	
Make use, where appropriate, of international and regional initiatives aimed at building investment facilitation and promotion expertise, such as those offered by the World Bank, UNCTAD and OECD	In place	New Zealand is an active participant of: the APEC Investment Facilitation Action Plan, the World Bank Global Investment Best Practices (GIBP) global survey, and New Zealand sits on the OECD Investment Committee responsible for a range of issues, including the Aggressive Tax Planning Steering Group, Joint Working Party on Trade and Environment, and on Consumption Taxes.	
Ensure measures exist to ensure effective compliance with commitments under international investment agreements	In place		
Review existing international agreements and treaties to ensure their provisions continue to create a more attractive environment for investment.	In place	Together with its international partners, New Zealand conducts periodic review of its existing trade and investment agreements to ensure they remain relevant and provide for an enabling environment for foreign investment.	

SUBMISSION BY PAPUA NEW GUINEA

IFAP Principle 1: Promote accessibility and transparency in the formulation and administration of investment-related policies			
Specific Actions	Time Table	Details of implementation	Expected outcomes
<ul style="list-style-type: none"> Publish laws, regulations, judicial decisions and administrative rulings of general application, including revisions and up-dates. 	Alternative Dispute Resolution Centre (2007) All laws – old, new or revised legislative amendments are available on paclii website	Established within the National Court of PNG www.pngjudiciary.gov.pg www.justice.gov.pg www.paclii.org	Dealing with issues of mediation process for commercial disputes that should reduce the back log of cases.
<ul style="list-style-type: none"> Adopt centralized registry of laws and regulations and make this available electronically. 	IPA Online Registry (2013)	A website containing list of all laws in PNG and Pacific. www.paclii.org www.justice.gov.pg	A centralized list of all laws and regulations easily accessible online for public.
<ul style="list-style-type: none"> Establish a single window or special enquiry point for all enquiries concerning investment policies and applications to invest 	Investment Promotion Act (1992); Company's Act (2014) & Business Names Act (2014) both amended.	Investment Promotion Authority of PNG lunched its Online Registry in November 2013. www.ipa.gov.pg	To streamline the process of registration and doing business easier, faster and cheaper both within and abroad.
<ul style="list-style-type: none"> Make available all investment-related regulations in clear simple language, preferably in languages commonly used by business 	Investment Promotion Act (1992)	Under Investment Promotion Act (1992), amendments were made to Company's Act (1997) and Business Names Act. www.ipa.gov.pg	All laws and regulations are in English and amended to facilitate Online registry and universally accessible anywhere and anytime.
<ul style="list-style-type: none"> Following establishment of an Investment Promotion Agency (IPA), or similar body, and make its existence widely known 	Investment Promotion Act (1992) and various PNG Tax Laws – Income Tax Act (1959)	Through an Act of Parliament to facilitate investment through regional & global arrangements. www.ipa.gov.pg	To streamline the process and create a first point of contact for investment and doing business in PNG.
<ul style="list-style-type: none"> Make available to investors all rules and other information relating to investment promotion and incentive schemes 	IPA Act (1992) & Company Act (2014) amended.	Related rules and information are provided & available on the	Make investment related information and incentives

<ul style="list-style-type: none"> • Allow investors to choose their form of establishment within legislative and legal frameworks. • Ensure transparency and clarity in investment-related laws • Improve upon the APEC-wide website (e-portal) to replacing the hard copy publication of the APEC Investment Guidebook (IEG) • Encourage on-line enquiries and on-line information on all foreign investment issues • Maintain a mechanism to provide timely and relevant advice of changes in procedures, applicable standards, technical regulations and conformance requirements • To the extent possible, provide advance notice of proposed changes to laws and regulations and provide an opportunity for public comment 	<p>IPPA/MIGA/ICSID</p> <p>PPP/CSR/EoDB etc</p> <p>IPA Online Registry (2013)</p> <p>MoU signed between Investment Promotion, Internal Revenue Commission and PNG Customs (2013)</p> <p>Public-private stakeholder consultations</p> <p>Ease of Doing Business Report 2013</p>	<p>websites: www.ipa.gov.pg; www.irc.gov.pg</p> <p>Online access to investment laws, regulations and rules guide foreign investors to choose their forms of establishments.</p> <p>PNG is a signatory to IPPA and other investment guarantee laws www.dfat.gov.pg www.dci.gov.pg www.justice.gov.pg</p> <p>PNG has undertaken completion of major tasks in relation to IEG and concept notes working closely with APEC. www.apec.org</p> <p>PNG's IPA website was launched in November 2013 for online enquiries and registration. www.ipa.gov.pg</p> <p>A MoU was signed to integrate these three institutions to share a single window registry for business and tax compliance and enforcement www.irc.gov.pg</p> <p>There is a continuous consultation between state and industry stakeholders in any business and investment matters that will have significant impact on both parties.</p>	<p>relating to taxation regimes available online for investors.</p> <p>Provide and facilitate liberal investment climate open for investments in all sectors of the economy</p> <p>To give confidence and protection to the investors and create conducive environment for investments</p> <p>An approach taken to make investment information available and accessible online on APEC-wide website (e-portal).</p> <p>To facilitate online lodgment and registration of business and access to company status and shareholding details.</p> <p>To create a one-stop-shop in registering and doing business inline with EoDB guidelines 25% cheaper and faster.</p> <p>To maintain a constant dialogue between public and private sectors in matters of concern to investment regulation.</p>
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<ul style="list-style-type: none"> Explore the possibility of using the international benchmarks on a voluntary basis as a reference point for peer dialogue and measuring progress 		<p>All such consultations are mandatory</p> <p>World Bank funded EoDB report was undertaken in November 2013. www.worldbank.org www.ifc.org</p>	<p>Push to undertake more reforms to regulatory and legal framework & facilitate investment climate that is conducive and promote PNG as an attractive investment destination. Use World Bank Doing Business Report and other relevant international measurements to further drive investment reforms and improve PNG's ranking globally.</p>
IFAP Principle 2 Enhance stability of investment environments, security of property and protection of investments			
Specific Actions	Time Table	Details of implementation	Expected outcomes
<ul style="list-style-type: none"> Establish timely, secure and effective systems of ownership registration and / or property use rights for land and other forms of property Create and maintain an effective register of public or state owned property. Ensure costs associated with land transactions are kept to a minimum including by fostering competition. 	<p>Personal Property Security Act (2012), Intellectual Property Rights Act (2001)</p> <p>Independent Public Business Corporation (IPBC) Act (2002)</p> <p>Land Group Incorporation Act (1974) & Land Reform (2009)</p>	<p>PPSA Drafted & enacted in by Parliament, IPR Act in 2001. www.justice.gov.pg www.ipong.gov.pg</p> <p>An independent entity under its own Act to manage all state enterprises and investments. www.ipbc.gov.pg</p> <p>Reforms are being looked at by the Government since 2009 to make efficient and transparent the process in acquiring and purchasing land. www.land.gov.pg www.nri.org.pg</p>	<p>To create a law that protects the ownership of personal property. (security of private property)</p> <p>To hold the majority of state-owned commercial assets in trust and manage it prudently for the Government and people of PNG.</p> <p>Aim to increase the share of titled deeds to 20% of all Land under development aspiration of PNG's Vision 2050.</p>

<ul style="list-style-type: none"> • Foster the dissemination of accurate market reputation information including creditworthiness and reliability • Explore the possibility of using the World Bank <i>Doing Business</i> indicator “Enforcing Contracts” as the basis for peer dialogue and benchmarking and measuring progress across APEC • Encourage or establish effective formal mechanisms for resolving disputes between investors and host authorities and for enforcing solutions, such as judicial, arbitral or administrative tribunals or procedures • Encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties • Facilitate commercial dispute resolution for foreign investors by providing reasonable cost complaint-handling facilities, such as complaint service centres, and effective problem-solving mechanisms • Take steps to accede to an arbitral convention 	<p>Banking & credit laws – Banking & Financial Institutions Act (2000) and Central Banking Act (2000).</p> <p>Enforcing Contracts - Department of Justice & Attorney General, Private law firms</p> <p>Alternative Dispute Resolution (mediation rules – June 2010)</p> <p>ADR mediation rules and the National Court of PNG & party to ISDS (investor-state dispute settlement)</p> <p>ADR Track and ADR Centre</p> <p>Being a signatory</p>	<p>Some significant reforms made to financial sectors (especially banks and financial institutions) in PNG administered by Bank of PNG under the Central Bank Act of 2000. www.bankpng.gov.pg</p> <p>Many private law firms provide this service to private sector investors while State’s legal arm provide services for the State investment www.justice.gov.pg </p> <p>PNG’s mediation rules were launched in 2010 with more than 100 mediations completed. www.justice.gov.pg www.pngjudiciary.gov.pg</p> <p>As a member of APEC community, PNG encourages and facilitates such avenues for investors www.pngjudiciary.gov.pg</p> <p>ADR mechanism established under the National Court System provides for parties to solve disputes amicably and at a lower cost than what would have been incurred if matters are litigated. www.justice.gov.pg </p> <p>PNG accedes to arbitral conventions as a signatory and party to various regional and international conventions where</p>	<p>To improve the financial sector by giving businesses confidence, trust, profits and increasing services by setting down clear rules and roles for the players in the financial sector.</p> <p>To facilitate and provide a sound legal environment for contract enforcement for business and investment.</p> <p>To create an alternate avenue for settling disputes to save time and money in a win-win situation for both parties</p> <p>Ensure that PNG’s ability to facilitate and settle international commercial disputes is inline with global best practice.</p> <p>Create an environment that is transparent and fair in dealing with foreign investment complaints. The same treatment available to both domestic and foreign investors</p> <p>As a member of various regional and global organizations, PNG aims to conform to investment arbitral conventions</p>
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		<p>arbitrations are guided by laws and newly established rules.</p> <p>www.justice.gov.pg www.dfat.gov.pg</p>	.
IFAP Principle 3 Enhance predictability and consistency in investment-related policies			
Specific Actions	Time Table	Details of implementation	Expected outcomes
<ul style="list-style-type: none"> Increase use of legislative simplification and restatement of laws to enhance clarity and identify and eliminate inconsistency. 	Companies (Amendment) Act (2014), Business Names (Amendment) Act (2014), Companies Rules, Companies Regulation Act and Business Names Regulation	The amendment Act to these investment laws were passed in Parliament in February 2014. www.ipa.gov.pg	As part of regulatory reforms to streamline and make registration and investment process less cumbersome.
<ul style="list-style-type: none"> Provide equal treatment for all investors in the operation and application of domestic laws and principles on investment 	MIGA, ICSID, GATT & GATS principles	As a member of WTO, APEC, ACP-EU, PNG is enhancing specific strategies to investment liberalization, better mobility and transparency. www.dfat.gov.pg www.ipa.gov.pg	Maintain national treatment policy for all investors – domestic and foreign and MFNs
<ul style="list-style-type: none"> Reduce the scope for discriminatory bureaucratic discretion in interpreting investment-related regulations 	PNG Investment Law Review (2013)	Investment Promotion Authority Board Discussion Paper to review investment laws (2013) www.ipa.gov.pg	To facilitate an investment climate that is not discriminatory to foreign investors.
<ul style="list-style-type: none"> Maintain clear demarcation of agency responsibilities where an economy has more than one agency screening or authorising investment proposals or where an agency has regulatory and commercial functions 	Legal and Regulatory Reforms/ EoDB Report	IFC and World Bank Funded EoDB Report in 2013 to maintain clear demarcation between agencies that facilitate investment www.ifc.org www.worldbank.org	To establish effective and efficient legal and regulatory mechanisms as part of Doing Business report on starting a business, getting credits, enforcing contracts, issuing permits and trading across borders.
<ul style="list-style-type: none"> Establish and disseminate widely clear definitions of criteria for the assessment of investment proposals 	Standard Foreign Companies Registration and Certification	Under the Companies Act (1997), Investment Promotion Authority maintains a clear	To maintain a certification process flexible and open to foreign investors by

<ul style="list-style-type: none"> Establish accessible and effective administrative decision appeal mechanisms including where appropriate impartial “fast-track” review procedures 	<p>Requirements/ Companies Act (1997)</p> <p>Investment Promotion Authority (IPA) Board</p>	<p>assessment of investment proposals. www.ipa.gov.pg</p> <p>IPA Board comprise of both public and private sector representatives and ex-officio members www.ipa.gov.pg</p>	<p>maintaining an investment climate that is conducive and facilitates FDIs in all sectors of the economy.</p> <p>IPA always maintains an independent body and governs its investment decisions & functions independently</p>
IFAP Principle 4: Improve the efficiency and effectiveness of investment procedures			
Specific Actions	Time Table	Details of implementation	Expected outcomes
<ul style="list-style-type: none"> Simplify and streamline application and, registration, licensing and taxation procedures and establish a one-stop authority, where appropriate, for the lodgement of papers 	<p>IPA Online Registry 2013 at www.ipa.gov.pg</p>	<p>Signed MoU with IRC and PNG Customs to make a one shop registration of Business. www.ipa.gov.pg www.irc.gov.pg www.customs.gov.pg</p>	<p>To see that Business Registration & Tax filing are done with single number and issued at a single point.</p>
<ul style="list-style-type: none"> Simplify and reduce the number of forms relating to foreign investment and encourage electronic lodgement 	<p>IPA Online Registry 2013 at www.ipa.gov.pg</p>	<p>It was implemented in 2013 in which IPA launched its online registry which currently is undergoing major facelift to its website. www.ipa.gov.pg</p>	<p>To minimize queues in registering business and getting extracts. Give access to clients to register their business from anywhere they are with coming to IPA office Counter.</p>
<ul style="list-style-type: none"> Shorten the processing time and procedures for investment applications. 	<p>Launch of IPA Online Registry 2013 www.ipa.gov.pg</p>	<p>Implemented in 2013 to facilitate instant registration through Online. www.ipa.gov.pg</p>	<p>To facilitate online business registration and accessibility to shareholding details and company status.</p>
<ul style="list-style-type: none"> Promote use of “silence is consent” rules or no objections within defined time limits to speed up processing times, where appropriate 	<p>IPA (Amendment) Act (2014) and IPA Online Registry</p>	<p>An Amendment Act (2014) was made to IPA Act (1992) www.ipa.gov.pg</p>	<p>Reduce high cost of doing business which is seen as one of the impediments to investment</p>

<ul style="list-style-type: none"> • Ensure the issuing of licences, permits and concessions is done at least cost to the investor • Simplify the process for connecting to essential services infrastructure • Implement strategies to improve administrative performance at lower levels of government. • Facilitate availability of high standard business services supporting investment 	<p>Investment Regulatory Reforms & National Investment Policy</p> <p>National Public Private Partnership Policy (2010)</p> <p>Organic Law on Provincial & Local Level Government Act (1997)</p> <p>National Infrastructure Development Plan & Privatization Policy</p>	<p>Government is facilitating ongoing reforms to improve investment climate as per the EoDB report 2013/2014. www.ipa.gov.pg</p> <p>Government formulated PPP concept in 2010 and a Bill was prepared to be tabled in Parliament in 2013 www.treasury.gov.pg</p> <p>Based on 1997 Act, government is currently undertaking major reforms and capacity building to facilitate effective administrative performance at lower levels of government. www.justice.gov.pg</p> <p>Government's ongoing commitment to reform and improve services in communication, transport, electricity, land, water and law and order issues. www.planning.gov.pg</p>	<p>To improve on the rankings of Ease of Doing Business by adopting best reforms to legal and regulatory environment.</p> <p>Government to partner with private investors to invest in services and infrastructure sectors through PPP approach.</p> <p>To improve the administrative capacity of lower levels of government to facilitate effective service delivery and support government investment policy</p> <p>To create a high standard of investment climate to achieve medium and long term development goals.</p>
IFAP Principle 5: Build constructive stakeholder relationships			
Specific Actions	Time Table	Details of implementation	Expected outcomes
<ul style="list-style-type: none"> • To the extent possible, establish a mechanism to provide interested parties (including business community) with opportunity to comment on proposed new laws, regulations and policies or changes to existing ones prior to their implementation 	<p>Consultative Implementation & Monitoring Council (CIMC)TIPNG & PNG Business Council.</p>	<p>CIMC is a government sanctioned body whereas PNG Business Council is the voice of business community in voicing concerns over government's rules and policies. Such consultations form a large</p>	<p>Maintain an investment environment for private sector to flourish and drive economic growth where government provides appropriate rules and policies.</p>

<ul style="list-style-type: none"> • Continue to share APEC member economies' experiences of successful stakeholder consultative mechanisms • Promote the role of policy advocacy within IPAs as a means of addressing the specific investment problems raised by investors including those faced by SMEs • Continue to share APEC member economies' experiences of successful public private dialogue to take advantage of the information on successes and problems encountered by established investors • Promote backward investment linkages between businesses, especially between foreign affiliates and local enterprises including through the promotion of industry clusters • Encourage high standards of corporate governance through cooperation aimed at promoting international concepts and principles for business conduct, such as APEC's programs on corporate governance and anti-corruption. 	<p>APEC Forum Leaders Meeting, SOM, IEG, CTI and other APEC fora</p> <p>Investor Servicing and Promotion Division</p> <p>SOM, IEG & CTI</p> <p>Partnership & Joint Venture Arrangements - IPA Act (1992)</p> <p>Inter-agency working team</p>	<p>component of the legislative process and must be adhered to www.inapng.com/cimc www.transparencypng.org.pg www.pomcci.com www.bcpng.org.pg</p> <p>As a member of APEC, PNG participate in all non binding agreements to promote liberal investment climate. www.apec.org</p> <p>An integral part of IPA that promotes policy advocacy and facilitate foreign investment visits and disseminate information as well. www.ipa.gov.pg</p> <p>PNG is represented on these annual meetings to promote dialogue and consultation on investment facilitation action plans. www.apec.org</p> <p>This arrangement is facilitated under the relevant section and clause of IPA Act www.ipa.gov.pg</p> <p>There is always an inter-agency working team between IPA and various government agencies and stakeholders on APEC issues and work programs</p>	<p>To adopt and implement strategies that will drive development and achieve economic prosperity.</p> <p>To provide accurate and timely investment information within and abroad.</p> <p>Adopt models and strategies that is successful in APEC economies</p> <p>To create an avenue where resource owners partner with or enter into joint venture arrangement with foreign investors to develop their resources</p> <p>Strives to work in partnership with APEC members to promote investment in areas of mutual interest</p> <p>To disseminate key and timely information for the market</p>
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<ul style="list-style-type: none"> Examine and share APEC member economies' experience with responsible business conduct instruments 	IPA investment manuals	IPA publishes business information and investment manuals annually with support from donors, e.g. Oxford Business Group, Resource PNG etc. www.ipa.gov.pg	needs of investments in any sector of the economy.
IFAP Principle 6: Utilize new technology to improve investment environments			
Specific Actions	Time Table	Details of implementation	Expected outcomes
<ul style="list-style-type: none"> Promote the introduction and use of new technologies aimed at making the investment process simpler and faster Maintain adequate and effective protection of technology and related intellectual property rights Where possible, give effect to international norms for property protection 	<p>National Information Communication & Telecommunication Authority (NICTA)/ Integrated Government Information System, PNG National Broadband Network (Telikom), National Institute of Standards and Industrial Technology (NISIT) & PNG Engineers Institute (PNGEI)</p> <p>NISIT, Intellectual Property Office PNG (IPOPNG) & Trade Marks Act (1978)</p> <p>IPOPNG/ Intellectual Property Rights Bill (2001)</p>	<p>Since 2000, Government has undertaken major reforms in information & communication sector to promote improved investment environment. www.nicta.gov.pg www.telikompng.com.pg</p> <p>IPOPNG was established in 1999 to protect and promote intellectual property rights in PNG – Trade Marks, Patents & Industrial Designs. www.nisit.gov.pg www.ipong.gov.pg</p> <p>IPOPNG is a member of World Intellectual Property Organization (WIPO) since 1996. www.ipong.gov.pg www.ipa.gov.pg</p>	<p>Reforms and regulations to ensure affordable and international technological standards in business and investments.</p> <p>To give an exclusive right granted for an invention of a product.</p> <p>Being a member with WIPO to understand the importance of intellectual property in trade and investment and build an effective administration and enforcement system.</p>
IFAP Principle 7: Establish monitoring and review mechanisms for investment policies			

Specific Actions	Time Table	Details of implementation	Expected outcomes
<ul style="list-style-type: none"> Conduct periodic reviews of investment procedures ensuring they are simple, transparent and at lowest possible cost 	IPA Board Meetings	IPA Board meets in quarterly basis every year to determine IPA policies and actions and provide advice to the Minister for Trade, Commerce & industry. www.ipa.gov.pg www.dci.gov.pg	To ensure that periodic review to investment policies and regulations are updated to suit the changing trend of business environment.
IFAP Principle 8: Enhance international cooperation			
Specific Actions	Time Table	Details of implementation	Expected outcomes
<ul style="list-style-type: none"> To the best extent possible, accede to, or observe, multilateral and/or regional investment promotion and facilitation conventions Make use, where appropriate, of international and regional initiatives aimed at building investment facilitation and promotion expertise, such as those offered by the World Bank, UNCTAD and OECD Ensure measures exist to ensure effective compliance with commitments under international investment agreements 	<p>APEC, WTO, PITI, UNCTAD, PIF, ACP-EU, UN</p> <p>International conventions, forums and agreements that PNG is party to, e.g. APEC SOM, IEG, CTI</p> <p>IPPA, MIGA, DTT, Bogor Goals, Doha</p>	<p>PNG is a member of various international as well as regional economic and development organisations www.dfat.gov.pg www.justice.gov.pg</p> <p>PNG has undertaken various approach in reforming its legal and regulatory structures, e.g. World Bank funded EoDB Report 2013. www.ifc.org www.worldbank.org</p> <p>Treaty documents are tabled in Parliament and implemented by respective agencies to the effect. Clearance is always obtained from Justice Department to ensure there is compliance with international obligations and under various international instruments including those related to investments. www.justice.gov.pg www.dfat.gov.pg www.ipa.gov.pg</p>	<p>Accede to international conventions and treaties and strive to implement and facilitate liberal investment climate.</p> <p>For Government to implement agreed treaties and conventions that best suits the international best practice.</p> <p>Actively participate in international cooperation and benefit from economic development treaties.</p>

<ul style="list-style-type: none"> Review existing international agreements and treaties to ensure their provisions continue to create a more attractive environment for investment. 	<p>Annual review of the implementation/action plans for respective strategies</p>	<p>IPA in partnership with relevant state agencies like IRC, Commerce & Industry, and DJAG, liaise and coordinate review of implementation guidelines www.ipa.gov.pg www.dci.gov.pg</p>	<p>Ensure intended outcome of various investment treaties' goals are achieved given a specified period of time.</p>
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