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PECC Statement for APEC MRT

■ H.E. Roberto Ampuero
Chair, Meeting of APEC Ministers Responsible for Trade

On behalf of the members of the Pacific Economic Cooperation Council (PECC), we thank you for this opportunity to address the meeting today. Our Council has had a long and deep association with APEC, having helped to lay the intellectual foundations for APEC's establishment in 1989 as well as through our contributions to APEC's numerous working groups and committees.

We welcomed the opportunity for the PECC Standing Committee to meet in Chile



本期重要內容

- ◎ PECC Statement for APEC MRT
- ◎ A Vision for APEC 2040(上)
- ◎ 日本推動專案型監理沙盒制度協助新興科技發展

for the first time since 1997. We note with some satisfaction that the title of that meeting ‘Transpacific Partnership’ has joined the lexicon of Asia-Pacific cooperation with the entry into force of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). This is an important milestone for the Asia-Pacific but we remain far from our ultimate goal.

The Importance of the Multilateral Trading System

Last year in PECC’s annual survey of the regional policy community, the top priority for APEC discussions was rising trade tensions and the future of the WTO and multilateral trading system. More importantly, there was a sharp uptick in the percentage of business respondents who selected the WTO and the trade system as a top 5 priority rising from just 11 percent in 2017 to 51 percent in 2018.

Why has this changed? Since the Global Financial Crisis ‘creeping protectionism’ has been on the rise, usually domestic regulations that restricted opportunities for trade. In recent months this has threatened to become outright trade wars. This uncertainty in the policy environment is spilling over into investment decisions as well as capital markets impacting the prospects for accelerated growth across all our economies.

We therefore urge APEC Ministers Responsible for Trade to direct your officials to make maximum use of this forum to discuss differences in approaches to trade policy as well as overall economic governance and implement the mandate given by our leaders in 2017 when they committed to *“work together to improve the functioning of the WTO, including its negotiating, monitoring, and dispute settlement functions, to adequately address challenges facing the system, bringing benefits to all of our people and businesses.”*

While noting that there are a number of initiatives under way to discuss the reform of the trade system, we hope that APEC will remain true to its original objective to promote global solutions and make use of its non-binding nature as well as its strong tradition of stakeholder engagement to promote dialogue on how to best move forward on these difficult issues.

Advancing Regional Economic Integration

While we welcome the entry into force of the CPTPP and the progress being made with the Regional Comprehensive Economic Partnership, we are conscious that these agreements would leave a substantial amount of Asia-Pacific trade uncovered by modern trade rules.

Being here in Chile, we cannot help but mention the important work being done to develop 21st century trade rules in the Pacific Alliance. Again, while these efforts are worthy of praise, they will not help the region to meet its goal of regional economic integration. APEC has a considerable advantage as a nonbinding dialogue forum to work through the different approaches being undertaken and consider ways for these approaches to ultimately come together.

This has become known as the “Free Trade Area of the Asia-Pacific” (FTAAP). PECC has a long association with that concept, but our analysis of the situation led us to make several recommendation worth reiterating at this point:

- a) traditional approaches to trade agreements and new business trends suggest that the FTAAP avoid being a single undertaking. We recommend step-by-step, sector-by-sector, and bit-by-bit approach. One way forward would be for the FTAAP to consist of components or building blocks that members can join selectively.
- b) The FTAAP will require capacity building initiatives prior to, during, and after any negotiated agreement. Emphasis should also be placed on efforts to promote the utilization of the FTAAP.
- c) The process of designing the FTAAP

should involve as many stakeholders as possible, including non-business sectors which have real interests in international commerce.

One specific mechanism that APEC has developed that could play a more influential role in determining the future direction of commercial policies is the annual SOM FTA/RTA Dialogue. We hope that a stronger connection will be made between the findings of that work on ‘WTO-Plus’ elements in trade agreements and multilateral trade rules.

Digital Society

We welcome the continued focus APEC has on the digital economy. We have worked closely with your officials through jointly organizing a variety of dialogues with stakeholder groups. We note that not all APEC members have joined the negotiations for a WTO ecommerce agreement, we encourage all members to join that effort to ensure that APEC will not miss the opportunity to play a leading role as it did in helping to get agreement on the Information Technology Agreement in the 1990s. Perhaps even more urgently, we hope that that APEC play a more active role in fostering understanding around the future of the WTO moratorium on electronic transmissions.

Unless APEC plays a constructive role on these two issues, there is a real risk that APEC

will jeopardize its ability to help define future global rules on issues that lie in the near and even further future.

Promoting Regional Connectivity

We note the emphasis that APEC is placing this year on connectivity through Integration 4.0. Regional integration without regional connectivity is like placing the cart before the horse. In the absence of ports, efficient customs procedures and the lack of the overall infrastructure needed to promote trade, we risk creating more inequalities rather than resolving them.

To assist policy makers, and to identify areas where Connectivity could be strengthened, PECC has developed a Connectivity Index to assess progress being made toward APEC's goals in this area. This work on the connectivity index is almost finalized. The initial analysis supports the priority that you have placed on institutional connectivity going forward from this year through 'integration 4.0'. We will be publicly releasing the result of our Index shortly.

APEC Beyond 2020

It was our pleasure to work with APEC Senior Officials to organize the 4th Multistakeholder Dialogue on APEC Beyond 2020. Our own task force has submitted its report to our Standing Committee on APEC Beyond 2020. The next phase of this work will be to discuss our recommendations with the APEC Vision Group and Senior Officials. At the same time, we believe it is important to conduct broader consultations beyond our own members. We will keep you informed of that process as we move ahead.

Future Meetings

Our membership remains significantly concerned about the direction of both regional and global cooperation. We look forward to the possibility of convening a meeting of our Executive Committee in Jakarta alongside the annual CSIS Global Dialogue later this year. We will hold our annual Standing Committee in Kuala Lumpur in 2020.

A Vision for APEC 2040(上)

■ Tan Sri Rastam Mohd Isa; Mr Brian Lynch;
Dr Liu Chenyang; Mr Sung Lee;
Dr Charles E Morrison; Mr Camilo Perez Restrepo;
Dr Vo Tri Thanh

“An Asia-Pacific community of open interconnected, and innovative economies cooperating to deliver opportunity, prosperity and a sustainable future to all their peoples.”

This will be achieved by:

- Robust dialogue, stakeholder engagement, and effective cooperation that build trust and committed, confident relationships among member economies;
- Strategies and initiatives to remove barriers to full economic participation by all segments of society, including women, and people living in poverty, MSMEs, and remote and rural and indigenous communities;
- Committed long term policy initiatives that promote sustainability;
- Policies to harness the positive potential and address the disruptive impact of the digital economy and other innovative technologies;
- Structural reforms that drive growth by increasing productivity and income through open, well-functioning, transparent and competitive markets;
- Deeper and broader connectivity across borders, facilitated by high-quality, reliable,

resilient, sustainable and broadly beneficial infrastructure and well-designed and coherent regulatory approaches, and including also a strong emphasis on supply chain and people-to-people connectivity;

- Intensified efforts to fully achieve the Bogor Goals of free and open trade and investment, with particular emphasis on components of the agenda where progress has been lagging;
- Strong APEC support for the multilateral trading system based on agreed values and norms reflected in updated multilateral rules, and including more effective settlement of disputes;
- High-quality trade, investment and economic partnerships among members, consistent with the values and norms of the multilateral trading system, and supporting dynamic responses to rapidly changing drivers of growth; and
- Concerted efforts in support of the eventual realization of a high-quality and comprehensive FTAAP to further advance regional economic integration.

1、CHALLENGES AND OPPORTUNITIES

The first thirty years of APEC's existence have seen dramatic increases in prosperity across a more open and interconnected region. Substantial expansions in trade and investment flows have underpinned this. But as 2020 approaches both APEC, as an institution, and its region find themselves at a critical and decisive juncture.

Today deepening conflicts over trade, investment, and technology development run the risk of critically undermining the world trading system and the gains and distributed benefits made over the last fifty years. These fractures are moreover jeopardising further promise of cooperation in the future, cooperation that will be essential if all jurisdictions are to enjoy the benefits from new technologies and collectively manage new risks associated with them. At a still deeper level, the potential unwinding of the mutual economic interdependence developed over decades of increasing trade and investment openness threatens to undermine shared interests in the peaceful and constructive management of international relations.

The present juncture is all the more critical because this existential threat to regional cooperation has arisen at a time when APEC and its members are already facing an unprecedented array of challenges:

- Urgent questions about the quality and

sustainability of economic growth across the region;

- The need for intensified efforts to fulfil the Bogor Goals of free and open trade and investment;
- Growing concerns about increasing inequalities in income and wealth distribution;
- Existential challenges of environmental sustainability and climate change;
- Rapid technological change with both the potential to contribute to an acceleration of the spread of prosperity, but the potential also to intensify social strains and current tendencies toward fragmentation;
- Growing scepticism in some sections of Asia-Pacific societies toward the value of openness and interconnectedness, threatening to undermine political support for regional economic cooperation.

APEC's unique and defining characteristic is that it brings together Asia-Pacific leaders, ministers, senior officials, and leading experts from the public and private sectors to work in a spirit of mutual respect on the development of shared understandings on mutually acceptable forward-looking approaches to regional and global economic issues. It is imperative that APEC members fully exploit APEC's

unique potential contribution to identifying ways to move forward from the present critical juncture to the collective commitments required

to meet the threats and take advantage of the opportunities now facing the region.

The Asia-Pacific's future will depend on how the economies of the region respond, both individually and collectively. "Business as usual" will not measure up to the challenges the region now faces. APEC requires commitments from its member economies to a renewed and reinvigorated agenda.

Successful fulfilment of a renewed APEC vision depends on trusted, committed and confident relationships among its member economies. This must be built on the basis of

- robust dialogue,
- broad stakeholder engagement,
- effective cooperation.

ADDRESSING INEQUALITY AND INCLUSIVENESS

Despite the undoubted contribution of trade and investment liberalisation over the last three decades to economic growth and the reduction of poverty, support for globalisation has been undermined, in the Asia-Pacific as elsewhere, by the perception, deeply held in some quarters, that its benefits have not been and are not being equitably shared.

This perception is supported in some economies by

- The falling labour share of aggregate income;
- Wages and living standards of low-skilled and

lower middle class workerslagging behind productivity increases;

- Stagnant or only modestly rising incomes, especially for lower relative to higher incomes;
- Barriers that remain pervasive across APEC economies to full economic participation by groups such as women, MSMEs, remote and rural and indigenous communities;
- Significant sections of the youth population in some APEC economies believing that their access to economic opportunities and hence their life prospects, are marginalised because of their social origins.

The resulting social and political pressures on governments and consequent political responses are now a serious impediment to the maintenance of open markets in the Asia-Pacific and the wider global economy. Maintenance of political support for openness today requires more embracing policy frameworks to ensure that all sections of the community regard themselves as beneficiaries. APEC also has a role in better communicating the benefits of openness.

Steps to make growth more inclusive will remain the responsibility of individual governments, reflecting the particular circumstances in each economy. APEC can provide critical support for these steps, by strengthening or adding inclusiveness dimensions to its work programmes.

THE IMPERATIVE TO ADDRESS GROWTH-IMPEDING CONSTRAINTS

Economic growth rates in the Asia-Pacific have begun to decline with some forecasts predicting that rates of growth in APEC could fall below those in the rest of the world in the near future. There are clear signs that there are limits to the capacity of traditional trade liberalization alone to drive growth and dynamism. Other constraints on the region's growth include:

- Relatively small services sectors beset by protectionism, restrictions and redtape;
- Deficiencies in infrastructure, skills, and policy frameworks in the digital sector; and
- Patchy progress on structural reform, including regulatory reform.

If these constraints are not addressed:

- APEC middle-income economies will face significant obstacles to achieving high-income status, and increased risk of being caught in a middle-income trap;
- High-income economies will also fail to realise opportunities;
- The broader benefits of enhanced connectivity will not be achieved.

These constraints are clearly inter-related. A failure to ensure that sound

economic principles govern the development of infrastructure and its regulation, for example, risks over or under-provision and significant misallocation of resources with potentially serious consequences for growth.

NEW TECHNOLOGIES

Newly developed technologies (digital, biological, material, artificial intelligence and others) have the potential to greatly improve living standards in APEC economies.

At the same time, there are significant distributional, displacement and ethical implications associated with these technologies.

- Advances in industrial automation and artificial intelligence are projected to displace high numbers employed in manufacturing and services;
- This will potentially add to the further marginalization of large numbers of workers in the region unless adequate policies and institutions are in place to facilitate the required large-scale labour market transitions;
- Data management and privacy implications present serious challenges.

APEC members un-equipped to take advantage of these technologies, and successfully manage their implications for the workplace environment and wider society, will risk falling behind in growth and development.

On the other hand, economies that are able to successfully adjust will benefit over time as an increasing proportion of their populations are absorbed into higher productivity activities.

In the case of the digital economy the sheer pace of change presents a formidable challenge to the development of robust regulatory frameworks across the region, and management of the associated risks, including those related to security, cyber crime and anti-competitive behaviour. Success or failure in meeting these challenges will be vital in determining the extent to which the digital economy contributes to integrating or fragmenting the Asia-Pacific. It is critically important to recognise that fragmentation of the digital economy would potentially come at enormous cost to the region and the world as a whole.

APEC has a unique role to play in:

- Promoting cross-border cooperation in the application of these technologies;
- Supporting collective efforts to mitigate their potential downside impacts and manage associated risks;
- Facilitating the regional and international dissemination of the benefits of new technologies and promoting broad community participation;
- Enhancing capacity to participate in a global digital economy.

THREATS TO APEC'S TRADE AGENDA AND THE GLOBAL RULES-BASED TRADING SYSTEM

Asia-Pacific economies have made impressive progress toward the goal set out in APEC's 1994 Bogor Declaration of "free and open trade and investment in the Asia Pacific region by 2020". At the same time progress has clearly faltered, and unfinished business is accumulating.

- Tariffs on manufactured goods are now generally low, but with peaks in key areas;
- Agricultural tariffs often remain conspicuously high;
- Many services sectors remain heavily restricted, including the key sectors of telecommunications, transport and financial services. Large potential gains from liberalisation of other sectors, such as professional services and non-public health and education services, are also not being realised;
- Significant restrictions remain and are now growing again on foreign direct investment.

Of even greater concern than the slowing of progress are the reversals of progress represented by:

- Increased use of discriminatory tariffs;
- The well-documented trend towards increasing use of non-tariff measures (NTMs); and

- Slowing progress on addressing behind the border barriers such as unnecessary administrative and regulatory constraints.

Moreover, the Bogor goals were always conceived as building on the foundation provided by an effectively functioning rules-based multilateral trading system centred on the WTO. Today, by contrast:

- The rules, processes and embedded norms of the WTO are being challenged as never before in its history, most conspicuously through the increased unilateral use of discriminatory tariffs;
- Disrespect for existing WTO rules is increasingly defended by reference to the inability of WTO members to agree on the updating of those rules to reflect the realities of today's international trade;
- It is increasing likely that the WTO's Appellate Body, the ultimate arbiter of disputes over the application of WTO rules, will soon have to cease operations due to lack of agreement over the replacement of retiring members;
- Despite widespread consensus on the need for updating of the WTO's rules and reform of its processes, including its dispute settlement process, there is still no consensus on the form that the updating and reforms should take.

It is clear, however, that the rules-based order of the future must be capable of dynamically evolving and in particular addressing the requirements of the digital economy, development of the services sectors, rapidly emerging technologies and international value/production chains.

APEC members urgently need to recommit themselves to fully achieving the Bogor goals and to further enhancement of regional economic integration. Moreover, as huge beneficiaries of an open and predictable trade system, they should also embrace the urgent challenge of being leaders of reform and modernisation in the WTO, through:

- Their individual contributions to consultations aimed at securing the continued viability and effectiveness of the multilateral trading system centred on the WTO, including the ongoing viability of its dispute settlement process;
- Using APEC work programmes to develop consensus around regional and potentially multilateral approaches to “21st century” and “next generation” trade issues;
- Development of regional plurilateral initiatives that include provisions with the potential to serve as models for future multilateral rules, such as the CPTPP, RCEP, and, in the longer term, the FTAAP.

日本推動專案型監理沙盒制度 協助新興科技發展

■ 陳譽文專案經理
資策會科技法律研究所

近年國際上對於到底如何讓科技創新與監管法規和平共處，進而相互協助的議題，一直保持高度關注，各界莫不希望找出可行方案讓新興科技可以快速發展，但又不致於使潛在風險無法管理。對此，日本政府率先推出可泛用於各類產業應用領域的監理沙盒制度。

日本政府於 2018 年 6 月實施「生產力向上特別措施法」。該法重點之一便是建立「專案型監理沙盒」制度，讓業者可暫時不受原有法規限制以進行新興科技技術實證，加快技術發展，並藉此蒐集法規改革所需之數據資料 [1]。該制度適用範圍限於「新興技術」應用測試，所謂「新興技術」係指在創新事業活動中所使用具有顯著新穎性之技術或作法，且該技術或作法可創造出

高附加價值者 [2]，包括區塊鏈、物聯網、人工智慧等都在日本政府所稱新興科技的範圍之內。

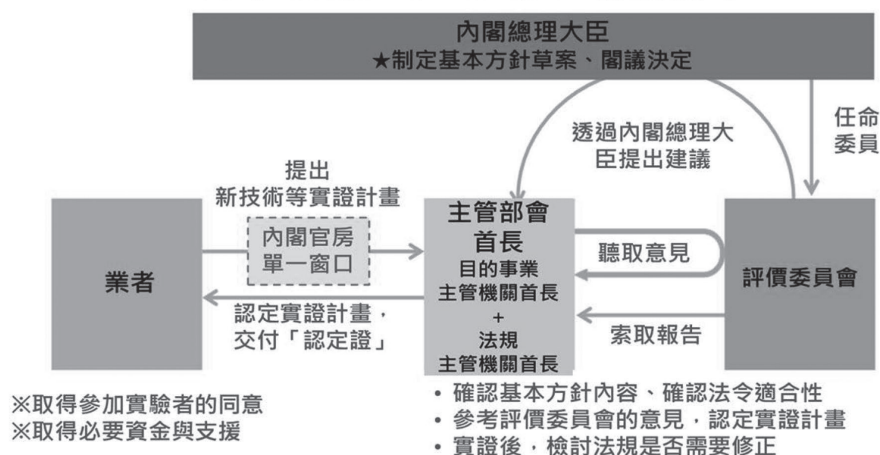
「生產力向上特別措施法」實施後，日本內閣官房隨即成立「新興技術社會實施推廣團隊」（新技術等社会実装推進チーム）[3]，以高於各部會的內閣官房與內閣府成員作為日本推動監理沙盒實證實驗的單一窗口，主要用以加速行政機關間的協調，協助業者與政府之間的溝通。

除此之外，為了於彌補政府部門對於新興科技的不熟悉，此次的「專案型監理沙盒」制度中增設「創新事業評估委員會」，委員多為科技、法律、產業等專家學者，並由總理大臣任命。各法規主管機關在審理業者的申請案時，皆須參考透過總理辦公室轉交的「評估委員會」意見。日

本政府希望藉此減低政府部門原本因為不熟悉新興科技所造成的審理延宕。[4]

「新興技術社會實施推廣團隊」從 2018 年底開始接受申請案件，至 2019 年 9 月為止已經有 9 項計畫開始進行實驗，主題皆與新興科技以及重要產業領域有關，

日本專案型監理沙盒機制圖



例如物聯網技術於生活電器設備應用、物聯網技術與資源回收結合、P2P 癌症險 app 實證、區塊鏈技術與虛擬貨幣、區塊鏈技術應用於臨床數據紀錄等。

另外近期吸引許多討論的實驗案例，則是稱為「數位生活意願」（Digital Living Will，簡稱 DLW）的系統實證。簡單來說，DLW 系統蒐集並儲存個人所需的醫療和生活相關的「意願、意圖」（will），在緊急狀況發生但個人無法表達意願時，可藉由 DLW 系統將個人對於自身醫療之意願提供給合作醫療機構，目的是保護患者期望的醫療護理作法，以及在緊急醫療現場提供即時和適當的醫療護理，並減輕醫務人員的負擔。此計畫可說是結合了生物辨識方式、緊急醫療救援以及個資法中「同意」（consent）等重大議題進行實驗，因此也獲得外界許多關注。[5]

我國近年已通過《金融科技發展與創新實驗條例》與《無人載具科技創新實驗條例》，但重視新興技術與各產業監理沙盒制度的呼籲仍不

間斷。由日本此次的制度可知，人工智慧、物聯網、區塊鏈等新興科技應用確實需要相對應的監理沙盒制度支持，監理沙盒制度推動的初衷，是讓法規與科技發展相輔相成，並協調創新事業發展所涉的不同主管機關。相信日本作法可供我國參考，對於我國未來推動創新事業與新興技術發展應有他山之石可攻錯之助益。

- [1] 「生產性向上特別措置法案」及び「産業競争力強化法等の一部を改正する法律案」が閣議決定されました，経済産業省，<http://www.meti.go.jp/press/2017/02/20180209001/20180209001.html>（最後瀏覽日：2019/8/4）。
- [2] 「生産性向上特別措置法」第2条第1項。
- [3] 新技術等社会実装推進チーム，首相官邸，<http://www.kantei.go.jp/jp/singi/keizaisaisei/regulatorysandbox.html>（最後瀏覽日：2019/8/4）。
- [4] 経済産業省，〈生産性向上特別措置法案 産業競争力強化法等の一部を改正する法律案 について〉，頁9（2018），<http://www.meti.go.jp/press/2017/02/20180209001/20180209001-2.pdf>（最後瀏覽日：2019/8/4）。
- [5] 主務大臣公表資料，首相官邸，http://www.kantei.go.jp/jp/singi/keizaisaisei/regulatorysandbox_p.html（最後瀏覽日：2019/10/3）。

意見箱

◎「中華民國太平洋企業論壇簡訊」係由太平洋經濟合作理事會中華民國委員會出版，為國內產官學所組成的非營利性區域經濟合作組織，對於本刊物內容有任何指教者，請逕洽本會編輯部主編陳文彬（分機 518），更改收件資料請洽劉芸甄小姐（分機 545）

◎ 歡迎由 CTPECC 網站，加入「太平洋經濟合作理事會中華民國委員會」Facebook 粉絲團。

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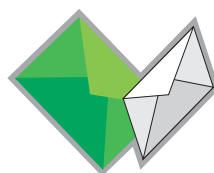
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