



Working Paper 99-28

Assessment of Korea's Individual Action Plans of APEC

Hyungdo Ahn et al.

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**KOREA INSTITUTE FOR INTERNATIONAL ECONOMIC POLICY
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Executive Summary

Korea made a significant progress towards the OAA(Osaka Action Agenda) objectives and Bogor goals through the implementation of IAPs(Individual Action Plan) 1996 to 1998. Korea removed its barriers to trade and investment in various areas, enhanced transparency, took policy reforms, and amended the laws and regulations to achieve the OAA Objectives and Bogor Goals. Korea's performance in non-tariff measures and investment are outstanding. Performance in Services, Standard and Conformance, Government Procurement, and Mobility of Business People are also noteworthy. However, Korea needs to do better in the areas of Intellectual Property Rights, Deregulation, and Rules of Origin.

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Assessment of Korea's Individual Action Plans of APEC

A. General Review

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

- ▶ Korea made a significant progress towards the OAA Objectives and Bogor goals through the implementation of IAPs. Korea removed its barriers to trade and investment in various areas, enhanced transparency, took policy reforms, and amended the laws and regulations to achieve the OAA Objectives and Bogor Goals. Major achievements of IAPs are following.
- ▶ In tariff area, Korea unilaterally lowered its tariffs on 182 tariff lines of raw materials and intermediate/semi-finished goods to 1–5%, and also lowered its tariff rate for ships (HS 8901, 8902, 8906).
- ▶ In non tariff measures, Korea liberalized import restrictions on 77 items, abolished 5 subsidies, eliminated Import Diversification Program, and removed export restraints on 10 items.
- ▶ In Services, Korea reduced the restrictions on foreign investment in wholesale, resale and telecommunication sectors. Korea also removed the price control on oil and lifted import restriction on petroleum products. Besides these measures, Korea took significant measures in the areas of legal, accounting, transportation, tourism, and other services.
- ▶ In Investment, Korea made a remarkable progress. Korea fully

liberalized the cross-border M&As and 35 sectors have been liberalized since 1998. Further all restrictions on the foreign ownership of land was abolished. As of August 1, 1998, only 31 out of 1,148 sectors are restricted from FDI.

- ▶ In Standard and Conference Korea adopted 34 international Standards into Korean Industrial Standards (KS). A CD-ROM on Korean Standards was published and also standards database was established.
- ▶ In Customs Procedures, Korea introduced the simplified Declaration System for express consignments. Korea also implemented the Customs Export Cargo Automation System and the Drawback System linked to the Customs EDI for export and import. Korea also eliminated the requirement to store export goods in a bonded area prior to shipment.
- ▶ In Intellectual Property Right, the patent court and the Industrial Property Tribunal were established. The Seed Industry Law was put into force to ensure appropriate protection of breeder's right.
- ▶ In Competition Policy, Fair Trade Act was revised to strengthen enforcement of the Act and to enhance fairness, transparency, and expertise in implementation.
- ▶ In Government Procurement, Korea opened its government procurement market to foreign suppliers according to the WTO Agreement on Government Procurement(WTO/GPA) provisions. Supply Administration of Korea established an internet homepage which introduced government procurement-related information, such as tendering opportunities.
- ▶ In Deregulation, Korea identified 28 tasks and pursued regulatory reform in 8 areas which required urgency due to their serious restrictions on business activities. Korea enacted the Basic Act on

Administration Regulations in order to undertake regulatory reform systematically and comprehensively.

- ▶ In Rules of Origin, Korea introduced advance ruling and dispute settlement procedures for rules of origin. Korea publishes guide booklets on the rules of origin.
- ▶ In Dispute Mediation, Korea has concluded bilateral investment protection treaties with many APEC economies such as China, Hong Kong China, Indonesia, Malaysia, Philippines, Thailand, U.S. and Chile. Therefore, private parties affected by an administrative act of the Korean government may file complaints to the administrative court.
- ▶ In Mobility of Business People, Korea participated in two-trial operations of APEC Business Travel Card(ABTC) and formally launched ABTC. Korea continues to delegate more authority to its diplomatic and consular missions, with a view to expediting and facilitating visa-issuing procedures.
- ▶ In UR Implementation, Korea has fully implemented its UR commitments according to the agreed-upon timetable.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added?

- ▶ Korea's IAPs provide progressive and substantive liberalization measures to achieve OAA Objectives and the Bogor goals. These measures are especially pronounced in the areas of tariff, non-tariff

measures, services, investment, customs procedures, mobility of business people, and others.

- ▶ Korea's IAPs squarely conform to the format guidelines enhanced by SOM in August 1997. Korea's action plans list the specific actions and time frames in transparent manners. These action plans are also comparable to previous years' measures and to action plans of other APEC member economies. The IAPs clearly show what the value-added is.

B. Review by Issue Area

I. Tariffs

OAA Objective and Guidelines

Objectives

APEC economies will achieve free and open trade in the Asia-Pacific region by:

- (a) Progressively reducing tariffs; and
- (b) Ensuring the transparency of APEC economies' respective tariff regimes.

Guidelines

Each APEC economy will:

- (a) take into account, in the process of progressive reduction of tariffs, intra-APEC trade trends, economic interests and sectors or products related to industries in which this progress may have positive impact on trade and on economic growth in the Asia-Pacific region;
- (b) ensure that the progressive reduction of tariffs is not undermined by the application of unjustifiable measures; and
- (c) consider extending, on a voluntary basis, to all APEC economies the benefits of tariff reductions and elimination derived from sub-regional arrangements.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) To what extent has your economy progressively reduced tariffs?

Please provide trade-weighted average applied tariffs in 1996 and 1999?

- ▶ Korea has implemented voluntary two five-year Tariff Reform Programs in the 1980s and 1990s in order to promote international trade by opening the domestic market to foreign countries. In addition to voluntary liberalization measures, as a result of tariff reduction in accordance with the UR Agreement, Korea has maintained simple tariff rate at 7.9% and average tariff level in industrial products at 6.2%. Korea has bound 91.2% of Korea's tariff lines in the WTO; 92.1% in industrial products, 41.3% in fishery industry and 98.9% in agricultural sectors.
- ▶ Korea's import-weighted average applied tariff rate was 6.6% in 1996 and it is scheduled to be 5.9% in 2000.

2) What major tariff reductions has your economy undertaken since 1996? How significant are they in the context of achieving the Bogor goal?

- ▶ Besides its implementation of the UR Agreement, Korea unilaterally reduced the tariff rates for carrier media bearing computer software (HS 8524) and containers (HS 8609) from 8% to 0% on January 1, 1996. Tariff rates for motor vehicles (HS 8703) were also reduced from 10% to 8% in 1995, whiskies, and other (HS 2208.30~70) from 30% to 20% in 1996.
- ▶ In addition, Korea unilaterally lowered its tariffs on 182 tariff lines of raw materials (natural rubber, wool, palm oil, etc.) and intermediate/semi-finished goods (methanol, naphthylamine, etc.) to 1~5% as of January 1, 1998.
- ▶ Korea will also reduce its tariff level for 193 items (HS 4 digits) in the chemical products in accordance with the harmonization

negotiations, and eliminate tariffs on the IT products, based on the "WTO Ministerial Declaration on Trade in Information and Technology Products".

- ▶ Korea will further seek progressive tariff reductions. These liberalization measures will surely contribute to achieving free and open trade in the Asia-Pacific region.

3) What measures has your economy taken to ensure the transparency of its tariff regimes?

- ▶ In order to ensure the transparency of its tariff regime, Korea will actively participate in the APEC tariff database project and regularly update its tariff data. Korea will also continue to immediately announce any changes in its tariff rates and tariff system to the public through the official gazette and the annual publication of "Tariff Schedules of Korea".

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added?

- ▶ Korea's IAP contains voluntary liberalization measures in short-term and medium-long term timeframe, and the plan of progressive reduction of tariffs, and measures for ensuring transparency and value added in terms of trade liberalization. For example, short-term plan covers the implementation of its UR tariff concession schedule, the UR's "zero for zero" initiatives, tariff reduction of

193 items (HS 4 digits) for chemical products in accordance with the harmonization negotiations, and tariff removal for IT products. In medium–long term time frame, Korea will further review the possibility of revising its tariff concession schedule, in order to promote free and open trade in the Asia Pacific region.

- ▶ The IAP of Korea in the area of tariff can be evaluated to be consistent with the way in which the OAA objectives and the Bogor goals will be achieved, and fully meet the format guidelines endorsed by SOM in 1997.

II. Non-Tariff Measures

OAA Objective and Guidelines

Objective

APEC economies will achieve free and open trade in the Asia-Pacific region by :

- (a) Progressively reducing non-tariff measures; and
- (b) Ensuring the transparency of APEC economies' respective non-tariff measures.

Guidelines

Each APEC economy will :

- (a) take into account, in the process of progressive reduction of non-tariff measures, intra-APEC trade trends, economic interests and sectors or products related to industries in which this process may have positive impact on trade and on economic growth in the Asia-Pacific region:
- (b) ensure that the progressive reduction of non-tariff measures is not undermined by the application of unjustifiable measures; and
- (c) consider extending, on a voluntary basis, to all APEC economies the benefits of reductions and elimination of non-tariff measures derived from sub-regional arrangements.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) Korea's Position in 1996

- ▶ Import Restrictions : 97 items (HS 10 digits) were subject to import restrictions, of which 81 items were restricted under the GATT

Article 18 Section B (BOP), and 16 rice items were restricted in accordance with the concession schedule of the UR and WTO Agreement on Agriculture.

- ▶ Subsidies : To increase exports, Korea offered five subsidies. Those were Reserves for Export Losses, Reserves for Overseas Market Development, Tax Credit for Investment in Facilities, Facility Investment Loans, and Loans for Domestically Produced mini-computers.
- ▶ Import Diversification Program (IDP) : 152 items were under Imports Diversification Program which restricted import from Japan to relieve excessive trade imbalance.
- ▶ Export Restraints : 10 items (HS 6 digits) were subject to voluntary export restraints (VER), of which 2 items were agricultural and fishery products, and 8 items were industrial products.
- ▶ Export-Import Related Requirements : Domestic laws enforced export and import related requirements to ensure public morals, health hygiene and sanitation, safety, and environmental conservation.

2) Measures taken between 1997 and 1999

- ▶ Import Restrictions : 77 items were liberalized in July 1997.
- ▶ Subsidies : Korea abolished all export/import substitution subsidies mentioned above.
- ▶ Import Diversification Program : Korea removed IDP on 39 items in 1997, 72 items in 98, and 16 items in June 99. Currently, Korea has no items under IDP.
- ▶ Export Restraints : Korea removed export restraints on all the 10 items by the end of 1998.
- ▶ Export-Import Related Requirements :
 - Korean government revised the Foreign Trade Act and has

continued to simplify its domestic trade-related system to ensure the conformity with the new international trade standards.

- The registration system of the trade agency was converted into Notice System.
 - The restrictions on exports and imports has been significantly reduced and simplified. The Korean government changed “ The Export-Import Approval System” from the Positive list to Negative list system, so that approval from the governmental authorities would be required only in exceptional cases.
- b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e., short, medium and long term), transparency, comparability and value added?
- ▶ Korea progressively reduced the non-tariff measures on import restrictions, subsidies, import diversification program, export restraints, and export/import-related requirements.
 - ▶ Korea also ensured the transparency of non-tariff measures by specifically listing them in IAPs and presenting time schedules of liberalization.
 - ▶ Korea’s IAPs conformed to the format guidelines endorsed by SOM in August 1997. Korea’s IAPs on Non-Tariff Measures(NTMs), were transparent, comparable, and specific in terms of time frames and actions.
 - ▶ In NTMs area, Korea was faithful to OAA objectives and Korea’s progress toward Bogor Goal was significant.

III. Services

OAA Objective and Guidelines

Objective

APEC economies will achieve free and open trade and investment in the Asia-Pacific region by:

- (a) Progressively reducing restrictions on market access for trade in services; and
- (b) progressively providing for inter-alia most favoured nation (MFN) treatment and national treatment for trade in services.

Guidelines

Each APEC economy will :

- (a) contribute positively to the WTO negotiations in services;
- (b) expand commitments under the General Agreement on Trade in Services (GATS) on market access and national treatment and eliminate MFN exemptions where appropriate; and
- (c) consider undertaking further actions to facilitate supply of services.

a) How far has Korean economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) How has Korean economy contributed to the WTO negotiations on trade in services?

- ▶ Korea has been an active participant in all WTO negotiations on trade in services. Among others, Korea has submitted significantly improved commitments in financial services, and took a leading

role in forwarding improved telecommunications commitments and in drafting Reference Paper. Korea also actively participated in maritime transport negotiation, WPPS (accounting services), and rule-making negotiations.

2) In which sectors has Korean economy reduced/eliminated restrictions on market access and national treatment as well as MFN exemptions? To what extent do these expand your commitments under the GATS and how significant are they in the context of achieving the Bogor goal?

- ▶ In all sectors Korea has listed in its IAPs, reductions/eliminations of restrictions on market access and national treatment were made. Since Korea has only one MFN exemption with limited economic significance, improvement was not made in this connection.
- ▶ Korea's IAPs in services can be best characterized for clarity, time-bound voluntary commitments, and timely execution of action plans. All time-bound commitments were carried out as planned or even advanced in many cases in all listed sectors. One exception is the liberalization of air freight handling services in 1996 IAP to be liberalized in 1997, but delayed to 1998 in 1997 IAP.
- ▶ Voluntary measures of significance, which are not part of Korea's GATS commitments, would include the following:
 - foreign ownership (up to 49%) of facility-based basic telecommunications carriers: two years earlier than planned from 2001 to 1999, and for the case of Korea Telecom, individual ownership was expanded from 3% to 15% starting from September 1998.
 - resale of voice telephony: 3 months earlier than planned from January 1999 to September 1998.
 - sub-dividing non-residential building: from 'partial liberalization

during 1998' to 'complete liberalization on April 1998'

- foreign investment in casinos: from 'prohibition' to 'liberalization from May 1999'
 - foreign investment in regular and non-regular air transport services: from 2000 to 1998 for the increase in foreign ownership; full liberalization of foreign investment in aircraft handling business and aircraft lease with pilot business beginning August, 1999.
 - foreign investment in distribution services: 7 wholesale and 2 retail services were liberalized in 1997.
 - foreign investment in education services: branches of foreign universities are allowed.
- ▶ Korea made extensive use of advanced time-bound commitments unlike other members' IAPs. Examples can be easily found in telecommunications, tourism, energy and construction sectors. This instrument is quite useful in locking in commitments, and at the same time, gives time to interested constituents for adjustments.
- 3) What further actions has your economy undertaken to facilitate the supply of services?
- ▶ In addition to market access and national treatment commitments in the sense of GATS, Korea undertook numerous measures that could facilitate the supply of services in almost all listed sectors. Examples would include allowance of direct import of oil and gas, streamlining of vehicle safety test, simplification of port procedures and introduction of international accounting standards, among others.
- 4) Please elaborate on specific areas of interest to the business sector within the context of the guidelines of the OAA (e.g. financial

services, telecommunications, energy and transportation).

- ▶ Significant liberalization and facilitation can be found in telecommunications, tourism, energy, maritime transportation and distribution sectors. In these service sectors, virtually all restrictions were eliminated. These liberalization and facilitation were carried out in accordance with OAA guidelines, in the sense that no MFN exemption was sought, and expansion of GATS commitments was made where appropriate. Most of the measures, however, were made on a voluntary basis in the case of Korea.
- b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added?
- ▶ OAA objectives and the Bogor goals are fully met in Korea's IAPs in the sense that progressive and meaningful liberalization measures are reflected. These measures are especially visible in, among others, telecommunications, transportation, energy, and distribution sectors. Korea has sought only one MFN exemption in air transport services, which is of less economic significance than most MFN exemptions sought by major trading partners.
 - ▶ IAPs of Korea in the area of services squarely conform to the format guidelines endorsed by SOM in August 1997. All the sectors listed in the IAP contain individual action plan section, which describe short/medium/long term plans as relevant. These plans generally include specific actions which enhance transparency of, and value

added to, Korea's measures. Moreover, careful examination would reveal that almost all of these specific measures are carried out as planned. Examples are especially abundant in telecommunications, tourism, energy and distribution sectors.

IV. Investment

OAA Objective and Guidelines

Objective

APEC economies will achieve free and open investment in the Asia-Pacific region by

- (a) Liberalizing their respective investment regimes and the overall APEC investment environment by, inter-alia, progressively providing for MFN treatment and national treatment and ensuring transparency; and
- (b) Facilitating investment activities through, inter-alia, technical assistance and cooperation

Guidelines

Each APEC economy will

- (a) Progressively reduce or eliminate exceptions and restrictions to achieve the above objective, using as an initial framework the WTO Agreement, the APEC Non-Binding investment Principles, any other international agreements relevant to that economy, and any commonly agreed guidelines developed in APEC; and
- (b) Explore expansion of APEC's network of bilateral investment agreements.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals.

1) Korea's position in 1996

- ▶ Since 1993, in order to reduce or to eliminate exceptions and restrictions to foreign direct investment, the Korean government established the nation's first Five-Year Liberalization Plan for

Foreign Direct Investment outlining liberalization schedules.

- ▶ Beginning in 1996, the Plan liberalized most of the restricted business sectors to FDI. In May 1996, the Korean government announced a new Foreign Direct Investment Liberalization Plan supplementing the previous one, in order to further liberalize the foreign direct investment scheme and globalize its economy.

2) Measures taken between 1997 and 1999

- ▶ Foreign investors and foreign invested enterprises receive no less favorable treatment than domestic enterprises in entering the Korean market and conducting business activities. Tax exemptions and deductions pertaining to Korean firms are equally applied to foreign-controlled firms.
- ▶ Under the new Foreign Investment Promotion Act, to promote the transparency of Korea's FDI regime and provide further convenience to foreign investors, a comprehensive annual announcement on all FDI restrictions in other individual laws will be made by the Minister of Finance and Economy. The announcement will henceforth be made on a yearly basis. The first comprehensive annual announcement was made in January of 1999. Actions to address and correct restrictive regulations in annual announcements will be taken immediately.
- ▶ Under the new Act, the present FDI system has been drastically simplified by eliminating procedures of the government acceptance of a FDI notification and report of the arrival of foreign capital.
- ▶ Following measures has been undertaken to enhance transparency of the approval or authorization system
 - Under the new Act, when an approval or authorization is rejected by an administrative institution, the factors and legal basis of the

rejection must be reported to the foreign investor.

- If the foreign investor re-submits a new application after correcting the basis of the rejection of approval or authorization, approval or authorization must be granted.
- ▶ In order to facilitate investment activities, following measures were undertaken.
- One of the grievances often cited previously by foreign investors in Korea was that there were too many contact points and administrative procedures, which often led to red tape and delay. To solve this grievance, the Korean government launched the Korea Investment Service Center (KISC) at Korea Trade-Investment Promotion Agency(KOTRA) as of April 30, 1998, for the purpose of eliminating this friction and supporting foreign investors through all stages of investment, from consulting to service.
- Under the new Act, an Ombudsman institution has been established within the Korea Investment Service Center to address the grievances and difficulties of foreign investors and foreign-invested enterprises.
- the Korean government will develop Free Investment Zones (FIZs) in which foreign enterprises will receive a range of subsidies. Under the new Act, to support large-scale FDI projects, FIZs will be areas which foreign investors choose in cooperation with a local government and will need to be approved and designated by the Commission on Foreign Direct Investment Policy.
- ▶ Korea in undertaking BIT negotiation with the United States.
- ▶ Since 1996, Korea has reduced the scope of sectors in the negative list, which is shown in the <Annex>.

b) How does the IAP demonstrate the way in which the OAA

objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added.

- ▶ Korea's IAP conforms to the format guidelines as endorsed by SOM in August 1997.
- ▶ Korea's IAP in investment contains specific plans for further liberalization of FDI. Particularly, it includes the schedules of reducing the restricted sectors of the negative list

V. Standards and Conformance

OAA Objective and Guidelines

Objective

APEC economies will, in accordance with the Declaration on APEC Standards and Conformance Framework and with the Agreement on Technical Barriers to Trade (TBT Agreement) and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) attached to the WTO Agreement:

- (a) Ensure the transparency of the standards and conformity assessment of APEC economies;
- (b) Align APEC economies' mandatory and voluntary standards with international standards;
- (c) Achieve mutual recognition among APEC economies of conformity assessment in regulated and voluntary sectors; and
- (d) promote cooperation for technical infrastructure development to facilitate broad participation in mutual recognition arrangements in both regulated and voluntary sectors.

Guidelines

Each APEC economy will:

- (a) develop, by the end of 1997, the sections of its Action Plan related to alignment with international standards, taking into account the outcomes of the case studies in the four priority areas (electrical and electronic appliances, food labelling, plastic products and rubber products) as well as developments in further priority areas to be considered in 1996
- (b) participate actively in the international standardization activities of international standardizing bodies such as the International Organization for Standardization (ISO) the International Electrotechnical Commission (IEC) and the Codex Alimentarius Commission in accordance with the rules and procedures of these organizations;

- (c) pursue mutual recognition arrangements in regulated sectors through (i) the development of bilateral, multisectoral mutual recognition arrangements, which might at a later stage provide the basis for plurilateral arrangements; and (ii) the development of plurilateral mutual recognition arrangements in particular sectors, endeavoring to complete a pilot project on food products in 1997 and to develop an arrangement on information exchange on toy safety in 1996; and
- (d) consider participation in the Treaty of the Meter (La Convention du Metre) and the Treaty of OIML (La Convention Instituant Une Organisation Internationale de Metrologie Legale) by 2005 in accordance with the rules and procedures of these treaties.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) Alignment with International Standards

- ▶ Since the initial position in 1996, Korea has initiated the review and alignment of its standards with international standards. Korea has undertaken unilateral alignment activities for certain products in the capital goods area. As part of the Capital Goods Standardization Project, 34 and 119 international standards were adopted as Korean Industrial Standards (KS) in the second (1997) and third (1998) year of the project, respectively. Additionally, 110 more are scheduled to be developed in 1999.
- ▶ In the priority areas identified by the APEC Sub-Committee on Standards and Conformance (SCSC), Korea is aligning its standards for rubber condoms, refrigerators, rubber medical gloves, and U-PVC pipes and fittings with international standards. Following the result of the APEC/SCSC discussion, Korea has already submitted a Case Study report on Plastic Products (U-PVC pipes and fittings),

and aligned its standards for televisions (IEC 65), refrigerators (IEC 335-2-24), air conditioners (IEC 335-2-40), rubber condoms (ISO 4074), rubber medical gloves (ISO 10282) with minor deviations.

2) Mutual Recognition of Conformity Assessment

- ▶ At the starting position in 1996, Korea had not established any MRAs with foreign accreditation bodies. However, in January 1997, Korea signed a MRA on telecommunication, radio and information technology equipment with the Government of Canada. Korea has participated in the APEC Arrangement for the Exchange of Information on Toy Safety between APEC Member Economies and in developing Model MRA for food and food products. In addition, Korea continues to participate in multilateral MRA consultations in the International Accreditation Forum (IAF), Pacific Accreditation Cooperation (PAC), International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) activities. Since June 1998, the Korea National Institute of Technology and Quality (KNITQ) has been conducting pre-inspections to enter into MRAs among members of Asia Pacific Laboratory Accreditation Cooperation (APLAC). As a result, Korea joined the APLAC MRA on October 24, 1998.

3) Transparency

- ▶ In order to promote transparency in standards and conformance, Korea established a database for standards in July 1998, and is currently in the process of establishing a database for technical regulations based on the ISONET.

4) Technical Infrastructure Development

- ▶ Korea has undertaken numerous activities to improve technical infrastructure in Korea. In the initial position in 1996, where KOLAS had accredited 37 laboratories, that number has increased to 81. In addition, while the ISO 9000 series have only been certified to 1,075 companies (of which 65% are SMEs) by the National Accreditation Body (KAB) as of February 1996, currently a total of 5,821 companies (of which 83% are SMEs) have been certified. Furthermore, as opposed to around 400 calibration laboratories that existed in Korea in 1996, the number has risen to almost 550 laboratories.
- b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e., short, medium and long term), transparency, comparability and value added?
- ▶ Korea's IAPs for standards and conformance has been prepared to fundamentally address the objectives and guidelines of the Osaka Action Agenda and Bogor goals. In addition, Korea's IAPs adheres fully to the format guidelines endorsed by SOM in August 1997. It specifically sets out actions and its corresponding time frames, transparency, comparability and value added.
 - ▶ The main policy objectives of Korea's IAP in the area of standards and conformance states that "Korea will make ongoing efforts to achieve the goals based on the OAA" and reaffirms Korea's commitments to the 4 objectives of the OAA, identified by the SCSC regarding transparency, alignment with international stan-

dards, MRAs and cooperation for technical infrastructure development. Specifically, in the area of *alignment with international standards*, Korea's IAP states that Korea will achieve alignment with international standards by reviewing existing national standards which are not aligned or are aligned but need to be updated, and preparing a plan for its alignment. Korea's IAP sets out specific items, such as priority areas and capital goods, which will be aligned with international standards. In the medium/long-term, Korea establishes specific target date (2005) and percentage for the alignment of national standards with international standards.

- ▶ With regard to the *promotion of MRAs*, Korea's plans focuses on the participation in MRAs with individual countries and in existing APEC-level work in the short-term, while pursuing and expanding a more broad efforts at the bilateral and multilateral MRAs in the medium/long-term. In the case of *transparency*, reflecting Korea's measures already taken to disseminate Korean standards to the public, Korea's action plans strives to increase transparency by increasing accessibility of information on standards and conformity assessment by the public, while participating in a collective action to develop a database and an information network by the year 2005. In the area of *technical infrastructure development*, Korea's approach to achieving the OAA objectives, as reflected in its IAP, has been to expand conformity assessment bodies and systems to ultimately participate in regional mutual recognition arrangements.

VI. Customs Procedures

OAA Objective and Guidelines

Objective

APEC Economies will facilitate trade in the Asia-Pacific region by simplifying and harmonizing customs procedures.

Guidelines

Each APEC economy will:

- (a) Along the lines of the Strategic Direction of the Action Program of the Sub-Committee on Customs Procedures; and
- (b) taking fully into consideration the Guiding Principles (FACTS: Facilitation, Accountability, Consistency, Transparency, Simplification) of the above Action Program.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

▶ Korea has fully implemented 9 Collective Action Plans, set up in 1995, as of its starting position in 1996. The new 3 APEC CAPs ("Express Consignment Clearance", "Harmonization of APEC Data" and "Risk Management") had been set up in 1997 and Korea has implemented one (WCO guidelines on express consignment clearance) of them. So Korea has implemented 10 Collective Action Plans among the 12 CAPs of the APEC SCCP by 1999.

1) Greater availability of information by 1998

▶ In order to enhance the transparency of its customs administration,

Korea publishes information on customs-related legislative changes in its official gazette, and makes administrative rulings and guidelines available to the public primarily through publications of the Korea Customs Research Institute, the Daily Customs Information and the Monthly Customs Journal. Korea also provides English translations of customs-related information to foreign traders.

- ▶ Korea Customs Service set up an internet homepage in May 1997 and adopted “the Customs Service Charter” in October 1998 as a step toward customer-oriented administration.
- 2) Alignment with UN/EDIFACT international standards for electronic commerce by 1999
- ▶ In 1983, Korea introduced the UN/DEIFACT standard into its customs clearance computer systems. It has been fully operational since 1996. Export clearance system and import clearance system were introduced in 1994 and 1996 respectively. And the Import Cargo Control Automation System was introduced as of January 1998.
- 3) Provision of temporary importation facilities by 2000
- ▶ Korea acceded to the A.T.A. Convention in 1978. The A.T.A carnet may be utilized for the temporary admission of professional equipment, goods for exhibitions and fairs and commercial samples, which are then exempted from duty and must be exported again.
- 4) Implementation of clear appeals provisions by 2000
- ▶ Korea has stipulated provisions of appeals in the Customs Act since 1948. Under these provisions, a person whose right or interest has been infringed upon either by an illegal or unreasonable decision

or by lack of a necessary decision by the customs collector, can file protests to the Collector, the Commissioner of the Customs Service, the National Tax Tribunal, and the court, in that order.

5) Alignment with the WTO Valuation Agreement by 2000

- ▶ Korea acceded to GATT New Valuation Agreement in 1981 and implemented it in 1986.

6) Adoption or abiding by the principles of the Kyoto Convention by 1998

- ▶ Korea acceded to the International Convention of the Simplification and Harmonization of Customs Procedures ("Kyoto Convention") in 1983 with 10 annexes.
- ▶ Korea has actively participated in the meetings of the Working Group on the revision of the Kyoto Convention since 1996.

7) Full implementation of the Harmonized System Convention from 1996

- ▶ Korea has been a signatory to the International Convention on the Harmonized Commodity Description and Coding System since January 1988. Korea has implemented the 1996 changes to the HS convention from January 1, 1998.

8) Implementation of an advance classification system by 2000

- ▶ In 1982, Korea introduced the advanced tariff classification ruling system.

9) Implementation of (customs related) TRIPs Agreement by 2000

- ▶ Korea has implemented the principles of the WTO Agreement on

Trade-Related Aspects of Intellectual Property Rights since January 1996.

10) Development of a compendium of Harmonized Trade Data Elements by 1999

- ▶ Korea is negotiating the establishment of a compendium of harmonized trade data elements.

11) Adoption of systematic risk management techniques by 2002

- ▶ Korea is currently adapting risk management system to Cargo Selectivity, Import Clearance System and High-risk Travelers Management, etc.
- ▶ Korea has improved its risk management system by refining its criteria, including the HS code, country of origin, country of embarkation and exporter in order to focus customs enforcement on high-risk goods.

12) Implementation of WCO guidelines on express consignment clearance by 2000

- ▶ Korea has implemented WCO guidelines on express consignment clearance.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e., short, medium and long term), transparency, comparability and value added?

- ▶ Korea has updated the IAP every year, which conforms fully to the format guidelines endorsed by SOM in August 1997 and reflects specificity in respect of actions and time frames, transparency, comparability and value added, to achieve the OAA objectives or Bogor goals.
- ▶ Through the IAP, Korea has steadily achieved the OAA objectives and Bogor goals by reviewing actions taken specifically and presenting new action plans (short (~2000) and medium/long term (2001~2010)) about SCCP CAPs.
- ▶ Towards the OAA Objectives to facilitate trade in the Asia-Pacific region by simplifying and harmonizing customs procedures, Korea has steadily improved and simplified every aspect of customs procedures. And Korea considers the following additional plans
 - Korea will expedite further computerization of its customs procedures until an almost totally paperless system for cargo clearance is achieved.
 - Korea will enlarge the application of the EDI system in order to streamline customs procedures.
 - Korea will expand the computer network to link government agencies related to import procedures with a view to electronically confirming import clearance status.
 - Korea will automate system for criminal record inspection, clearance legality check, and passenger/port surveillance.
 - Korea will actively participate in the Harmonization of APEC Data Element, new SCCP CAP, to develop a comprehensive directory including a simplified core set of data elements that satisfies the data requirements of trade transactions.
 - Korea will revise the customs laws of Korea in line with the revised Kyoto Convention.

VII. Intellectual Property Rights

OAA Objective and Guidelines

Objectives

APEC economies will ensure adequate and effective protection, including legislation, administration and enforcement, of intellectual property rights in the Asia-Pacific region based on the principles of MFN treatment, national treatment and transparency as set out in the TRIPs Agreement and other related agreements.

Guidelines

Each APEC economy will:

- (a) ensure that intellectual property rights are granted expeditiously
- (b) ensure that adequate and effective civil and administrative procedures and remedies are available against infringement of intellectual property rights; and
- (c) provide and expand bilateral technical cooperation in relation to areas such as patent search and examination, computerization and human resources development for the implementation of the TRIPs agreement and acceleration thereof.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) Korea's position in 1996

- ▶ Korea signed the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) on January 1, 1995 and it became effective immediately.
- ▶ Korean committed itself to amending its intellectual property rights

(IPR) laws and regulations in compliance with international IPR norms and principles.

- ▶ To conform to the WTO/TRIPs agreement, Korea amended the Copyright Act, Patent Act, Trademark Act and the Acts on the Layout Designs of Semi-conductor Integrated Circuits.

2) Measures taken between 1997 and 1999

- ▶ WTO TRIPs became effective in Korea on January 1, 1995.
- ▶ In order to reinforce effective administrative procedures and to ensure expeditious granting of intellectual property rights, the Korean government has increased the number of staff and computerized IPR-related administration.
- ▶ In order to provide an adequate and effective enforcement system, the Korean government has established civil and administrative procedures and border measures to confront the infringement of intellectual property rights and.
- ▶ The Customs Law was revised to meet all requirements of the TRIPs agreements.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added?

- ▶ Korea's IAP conforms to the format guidelines as endorsed by SOM in August 1997. To enhance transparency, comparability and value added. Korea's short-term commitments in the IAP have been

specific and consistent with the WTO TRIPs.

- ▶ The IAP reflects Korea's strong will to assist developing member economies to implement the TRIPs Agreement. In the medium and long term, Korea's IAP commits Korea to harmonizing its IPR laws in accordance with international trends and technological advancements and maintaining adequate and effective enforcement mechanisms.
- ▶ Korea is fulfilling or has already fulfilled most of the short-term goals of IAP dealing with amendment of IPR legislation. Korea's short term IAP commits Korea to protect breeders' rights with the Seed Industry Law and join the UPOV Convention and Korea has done so. Korea also has stated its intention to strengthen the protection of well-known trademarks.

VIII. Competition Policy

OAA Objective and Guidelines

Objectives

APEC economies will enhance the competitive environment in the Asia-Pacific region by introducing or maintaining effective and adequate competition policy and/or laws and associated enforcement policies, ensuring transparency of the above, and promoting cooperation among APEC economies, thereby maximising, inter alia, the efficient operation of markets, competition among producers and traders, and consumer benefits.

Guidelines

Each economy will:

- (a) review its respective competition policy and/or laws and the enforcement thereof in terms of transparency;
- (b) implement as appropriate technical assistance in regard to policy development, legislative drafting, and constitution, powers and functions of appropriate enforcement agencies; and
- (c) establish appropriate cooperation arrangements among APEC economies.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) Korea's Position in 1996

i) Measures introduced to enhance the competitive environment

- ▶ The Korea Fair Trade Commission(KFTC) has induced trade associations to revise rules and practices that constrain competition such as limitations on accession and withdrawal by members and

restrictions on business activities.

ii) Transparency

- ▶ The content of KFTC decisions and judgements on cases is disclosed in judicial precedence reports.
- ▶ The KFTC offers and reinforces programs to raise the awareness of competition laws among entrepreneurs and consumers.

iii) Cooperative arrangements with other APEC economies

- ▶ The KFTC has maintained close cooperation with countries such as the US, Japan, France and Germany through annual bilateral meetings on competition policy and the mutual exchange of information
- ▶ The KFTC also actively participates in competition policy-related discussions at APEC and at international organizations such as the OECD, WTO and UNCTAD.

iv) Technical cooperation measures undertaken in the area of policy development, legislative drafting, and in the constitution of powers and functions of appropriate enforcement agencies

- ▶ The Korean Fair Trade Commission (KFTC) sought to prevent government ministries from adopting new laws restricting competition by reviewing their legislation drafts and requesting that anti-competitive elements be corrected prior to enactment.

2) Measures in Taken 1997~1999

i) Measures introduced to enhance the competitive environment

- ▶ The 'Deregulation Task Force' was installed and is in operation.

- ▶ The Fair Trade Act was amended in February 1999 to strengthen enforcement of competition policy. The revised Act expands the coverage to include all enterprises, significantly cutting the scope of exceptions and exemptions. Further, instead of designating types of unfair trade practices, the Act was revised to apply to all types of activities that could hinder fair trade.
- ▶ The Act also empowers KFTC to have access to places and documents essential for the investigation of possible violations.
- ▶ Measures for the comprehensive review of cartels, which are allowed under other related laws and regulations, are currently being drafted and efforts are underway for the legislation of the Act on Comprehensive Regulation of Cartels.

ii) Transparency

- ▶ A 'Consumer Satisfaction Administrative System' was established to redress complaints. By April 1998, 300 KFTC monitors gathered information on 377 cases of unfair trade practices
- ▶ A 'Consumer Opinion Card System' was also established to evaluate employees' performance and work procedures.
- ▶ An internet homepage (www.ftc.go.kr) is in operation and the 'Open Government Service' via PC communications is available

iii) Cooperative arrangements with other APEC economies

- ▶ Korea hosted an "International Training Programs on Competition Policy" from 31 August to 4 September 1998. The 11 participating members: Chile; the People's Republic of China; Hong Kong China, China; Indonesia; Malaysia; Mexico; the Republic of the Philippines; Singapore; Chinese Taipei; Thailand; Russia. Korea will hold another international seminar later in 1999.

- ▶ To promote bilateral cooperation with competition authorities of APEC members, the annual Korea–Japan and Korea–U.S. Competition Policy Consultations were held in September and late October 1998, respectively.
- ▶ Data on KFTC for the APEC Competition Policy D/B Project were submitted.

iv) Technical cooperation measures undertaken in the area of policy development, legislative drafting, and in the constitution of powers and functions of appropriate enforcement agencies.

- ▶ There were no specific programs in this area other than generally cooperating with government ministries to prevent new legislation of regulations restricting competition.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added?

- ▶ In three years, Korea has carried out OAA objectives and the Bogor goals of enhancing transparency in its competition policy, providing technical assistance in regard to policy development, and facilitating cooperation with other member economies, in a comprehensive manner.
- ▶ For example, the Fair Trade Act has been reviewed and amended, enhancing enforcement of competition, reducing areas of exemptions, and increasing transparency.

- ▶ Apart from these legislative actions, the KFTC also reviews new legislations introduced by other ministries so as to prevent legislations restricting competition.
- ▶ In parallel, Korea has also carried out very specific programs to achieve the above goals through IAP. For example, with respect to facilitating international cooperation, various kinds of international seminars and bilateral consultations have taken place or are planned.
- ▶ With respect to domestic programs, the 'Consumer Satisfaction Administrative System', the 'Consumer Opinion Card System' and the 'Open Government Service' are good examples.

IX. Government Procurement

OAA Objective and Guidelines

Objectives

APEC economies will:

- (a) Develop a common understanding on government procurement policies and systems, as well as on each APEC economy's government procurement practices
- (b) Achieve liberalization of government procurement markets throughout the Asia-Pacific region in accordance with the principles and objectives of the Bogor Declaration, contributing to the evolution of work on government procurement in other multilateral fora

Guidelines

Each APEC economy will:

- (a) Enhance the transparency of its government procurement regimes and its government procurement information; and
- (b) Establish, where possible, a government procurement information database and provide the information through a common entry point

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) Korea's position in 1996

- ▶ Korea had signed the WTO Agreement on Government Procurement (GPA) in April 1994, but following the terms of the Agreement, it became effective in January 1997.
- ▶ The Korean government's procurement system had been based on

the principle of open and competitive tendering.

- ▶ To implement the GPA domestically, Korea reformed domestic regulations dealing with government procurement throughout 1996.

2) Measures taken between 1997 and 1999

- ▶ WTO GPA became effective in Korea on January 1997.
- ▶ The principle of non-discrimination and national treatment was added to the principles of government procurement.
- ▶ Various regulations were changed to conform with the GPA, improving transparency and foreign suppliers' access to Korea's GP markets.
- ▶ In order to enhance transparency in government procurement, the public notice on tendering now includes the method of contract awards, place and cost for providing the tender documents in the "Enforcement Decree of the ARCSP(Acts Related to Contracts to which State is a Party)"
- ▶ Procurement entities provide information on tendering opportunities through on-line services such as Hitel, Unitel and Chollian, allowing bidders easier access to GP information.
- ▶ The Supply Administration of the Republic of Korea (SAROK) provides information on tendering opportunities on its internet home page (<http://www.sarok.go.kr>).
- ▶ The Ministry of Finance and Economy is in the process of constructing a home page on the internet which will introduce the outline of government procurement policies and related regulations.
- ▶ Korea has been an active participant in discussions on GP in various international fora (WTO, OECD, APEC), as well as participating in various international seminars and workshops. Korea has also been participating in developing non-binding principles on government

procurement.

- ▶ Korea had proposed EVSL in government procurement in order to facilitate the development of non-binding principles on government procurement.
- b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added?
- ▶ Korea's IAP conforms to the format guidelines as endorsed by SOM in August 1997. To enhance transparency, comparability and value added, Korea's commitments in the IAP, especially the short term commitments, have been specific, and based on multilateral agreement, especially the WTO GPA.
 - ▶ To foster mutual understanding of government procurement policies and improve transparency and openness, Korea's short term IAP encourages wide dissemination of GP information through various means including the internet. Also, the IAP reflects Korea's active participation in GP related discussions in both APEC and WTO. In the medium and long term, Korea's IAP commits Korea to providing GP information on APEC's GP homepage.
 - ▶ Korea has already fulfilled a part of this commitment by linking relevant Korean GP related websites to APEC's GP homepage. The IAP also states Korea will consider hosting a seminar or a workshop to encourage mutual understanding of GP systems and practices among APEC members.

- ▶ Korea is fulfilling or have already fulfilled most of the short term IAP dealing with liberalization of the GP markets. Korea's short term IAP commits Korea to participate in the process of developing non-binding principles on government procurement, and Korea has been doing so. Korea has shown its desire to liberalize the GP markets among APEC members by proposing EVSL in GP, and encouraging all APEC members to join WTO GPA.
- ▶ By conforming to GPA requirements, Korea has also abolished regional restrictions which impeded competitiveness in the procurement market. In the medium and long term, Korea will continue to actively cooperate with other economies to achieve comprehensive liberalization of the GP markets in the APEC region.

X. Deregulation

OAA Objective and Guidelines

Objectives

APEC economies will:

- (a) promote the transparency of their respective regulatory regimes; and
- (b) eliminate trade and investment distortion arising from domestic regulations which not only impede free and open trade and investment in the Asia-Pacific region but also are more trade and/or investment restricting than necessary to fulfil a legitimate objective.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) Korea's position in 1996

- ▶ Korea has established "Presidential Commission for Administrative Reform" in June 1993, and this body has played a main role of deregulation by reviewing a total of 2,177 items from 1993 to September 1996.
- ▶ The Korean government's Regulation has changed from direct and "before-the-fact" regulations to "after-the-fact" and indirect regulation, and deregulation policies have been placed on the short-term plan than the long-term plan by greater implementation emphasis.
- ▶ To ease previous restrictions and to prevent new and potential restrictions, the real-name regulation system was established in January 1996.

2) Measures taken between 1997 and 1999

- ▶ Korea enacted “the Basic Act on Administrative Regulations” in order to undertake regulatory reform systematically and comprehensively in March 1998.
- ▶ Based on the Act, institutional arrangements for regulatory reform settle in to control new regulations and to clear existing regulations.
- ▶ For this, a regulatory impact analysis, a Sunset Review on Regulation and client-oriented service will be applied in reviewing regulations.
- ▶ To implement the reform in a systematic and comprehensive manner, the Regulatory Reform Committee, with the Prime Minister and a civilian as its co-chairmen, was established in April 1998. The Committee has become a single body with a legal basis to conduct regulatory reform. The Committee has played a central role in undertaking regulatory reform by formulating guidelines and standards, and by screening each ministry's proposals on government legislation.
- ▶ In accordance with the Basic Act, the central ministries are required to submit their annual plans for the self-review of regulations and their performance to the Committee through 2003
- ▶ Korea has extended the level of foreign investment and has eliminated regulations discriminating foreign investors conducting business in Korea since May 1998. Korea will continue to enhance the level of market openness for foreign investment to the level of the OECD countries.
- ▶ Foreign companies and individuals including non-residents may now own real estates in Korea. There is no discrimination between Koreans and foreigners in the real estate market since July 1998.

3) Promotion of Transparency

- ▶ Korea has made efforts to promote the Transparency of deregulation by implementing The “Basic Act on Administration Regulation” and by introducing new systems, such as the ‘Sunset Review on Regulation’ and the ‘Regulatory Impact Assessment’.
- ▶ Key points of the Basic Act are as follows: i) to strengthen ex ante reviews on new regulations; ii) to review existing regulations for clearance on a zero basis; iii) to conduct a regulatory impact analysis on significant regulation programs based on the cost-benefit analysis; iv) to adopt a sunset rule with a maximum period of 5 years; and v) to register and disclose all regulations for transparency and public openness.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added?

- ▶ In three years, Korea has carried out OAA objectives and the Bogor goals of enhancing transparency in its deregulation policy, and facilitating cooperation with other member economies, in a comprehensive manner.
- ▶ Korea’s IAP on deregulation conforms to the format guidelines as endorsed by SOM in August 1997. To enhance transparency, comparability and value added, Korea’s commitments in the IAP, especially the short-term commitments, have been specific.
- ▶ To foster mutual understanding of deregulation policies and

improve transparency and openness, Korea's short term IAP encourages wide disclosure of new regulation information through various means.

XI. Rules of Origin

OAA Objective and Guidelines

Objective

APEC economies will

- (a) ensure full compliance with interrainally harmonized rules of origin to be adopted in relevant international fora; and
- (b) ensure that their respective rules of origin are prepared and applied in an impartial, transparent and neutral manner.

Guidelines

Each APEC economy will;

- (a) align its respective rules of origin with internationally harmonized rules of origin to be adopted as a result of the WTO/WCO process; and
- (b) ensure predictable and consistent application of rules of origin

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals.

1) Korea's position in 1996

- ▶ In accordance with the WTO Agreement on Rules of Origin, Korea rules of origin were notified to the WTO in April 1995.
- ▶ Korea has been actively participating in the WTO/WCO's work to harmonize rules of origin internationally. Korea strongly supports the efforts of the WTO and WCO in establishing neutral and predictable rules of origin.

2) Measures taken between 1997 and 1999

- ▶ Korea continues to faithfully implement the disciplines (Article 2) of the WTO Agreement on Rules of Origin until the harmonized rules of origin are adopted by the WTO.
- ▶ Korea published guide booklets on the rules of origin.
- ▶ With respect to the decision made during the meeting of the WTO/CRO (Committee on Rules of Origin) held on October 3, 1997, Korea made a submission on domestic practices with reference to Article 2(h) and paragraph 3(d) of Annex II of the Agreement on Rules of Origin (origin determination) in November 1997.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added.

- ▶ Korea's IAP conforms to the format guidelines as endorsed by SOM in August 1997.

XII. Dispute Mediation

OAA Objective and Guidelines

Objective

APEC economies will :

- (a) encourage members to address disputes cooperatively at an early stage with a view to resolving their differences in a manner which will help avoid confrontation and escalation, without prejudice to rights and obligations under the WTO Agreement and other international agreements and without duplicating or detracting from WTO dispute settlement procedures;
- (b) facilitate and encourage the use of procedures for timely and effective resolution of disputes between private entities and governments and disputes between private parties in the Asia-Pacific region; and
- (c) ensure increased transparency of government laws, regulations and administrative procedures with a view to reducing and avoiding disputes regarding trade and investment matters in order to promote a secure and predictable business environment.

Guidelines

Each APEC economy will :

- (a) Provide for the mutual and effective enforcement of arbitration agreements and the recognition and enforcement of *arbitral awards*;
- (b) Provide adequate measures to make all laws, regulations, administrative guidelines and policies pertaining to trade and investment publicly available in a prompt, transparent and readily accessible manner; and
- (c) promote domestic transparency by developing and/or maintaining appropriate and independent review or appeal procedures to expedite review and, where warranted, correction of administrative actions regarding trade and investment.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA objectives or Bogor goals?

1) What mechanisms/procedures (including independent review or appeal procedures) has your economy established to address trade and investment disputes?

▶ Korea has actively participated in the WTO dispute settlement procedures, resolving or trying to resolve disputes at the consultation phase before establishing panels.

- Since the WTO was launched in 1995, Korea has been involved in 10 distinct disputing matters, among which 5 cases were resolved at consultation stage, 3 cases got decisions from panel or Appellate Body, and remaining 2 cases are still in the panel process.

▶ For disputes between private parties and government, Korea is currently a member of "the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States" (ICSID), and Korea has signed a number of bilateral investment promotion and protection agreements with APEC economies.

- Korea is a contracting party to the Washington Convention (ICSID) of 1965, which entered into force in Korea in 1967.

- Korea has concluded bilateral investment protection treaties with many APEC economies such as China, Hong Kong China, Indonesia, Malaysia, Philippines, Thailand, U.S.A., and Chile.

▶ Private parties affected by an administrative act of the Korean government may, in general, file a complains with the administrative court, and in addition, there are statutory provisions for complaints, appeals, and petitions against government administrative actions in specific areas such as taxation, labor, public nuisance, etc.

- ▶ For disputes between private parties, Korea is currently a member of the “United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards” (New York Convention), and the Korean Commercial Arbitration Board (KCAB) assists in resolving private disputes by means of conciliation, mediation, or arbitration.
 - Korea acceded to the New York Convention in 1973.
 - The KCAB currently maintains bilateral arbitration agreements with 26 foreign arbitration agencies, nine of which are agencies belonging to APEC economies.

- 2) Describe steps taken to provide for the mutual and effective enforcement of arbitration agreements and the recognition and enforcement of arbitral awards.
 - ▶ Since Korea is a contracting party to the New York Convention which ensures the recognition and enforcement of foreign arbitral awards, arbitration awards made by the Korean arbitration agency should be recognized and enforced in foreign countries and, similarly, those made by foreign arbitration agencies should be recognized and enforced in Korea.
 - ▶ Commercial Arbitration Rules of the KCAB provide a comprehensive legal framework for arbitration procedures, enforcement of arbitration agreements, and arbitration awards.
 - If a losing party does not or will not comply with an award duly rendered, the prevailing party may file a suit with a court of competent jurisdiction for compulsory execution of the award.
 - The KCAB may, when a party fails to abide by the decision and the award of the Tribunal without good reason, make a recommendation to the competent authorities of the government to

take necessary administrative measures in respect of such party.

3) To what extent has your economy increased the transparency of government laws, regulations and administrative procedures with a view to reducing and avoiding disputes regarding trade and investment matters?

- ▶ All laws, regulations, and procedures of Korea are published in official gazettes before they are put into effect, and are accessible to the public.
- Some laws and regulations pertaining to trade and investment have been translated into English.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time-frames (i.e., short, medium and long term), transparency, comparability and value added?

- ▶ Korea's IAPs conform to the format guidelines endorsed by SOM in August 1997

XIII. Mobility of Business People

OAA Objective and Guidelines

Objective

APEC economies will enhance the mobility of business people engaged in the conduct of trade and investment in the Asia-Pacific region.

Guidelines

Each APEC economy will contribute positively to the work on the mobility of business people being undertaken in relevant WTO fora.

a) How far has your economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) Korea's Position in 1996

- ▶ As of 1996, Citizens of all APEC-member nations, except the Philippines and China, could enter Korea without a visa as long as the period of stay is less than 15 days.
- ▶ Nationals from Malaysia, New Zealand, Singapore, and Thailand were exempted from visa requirement within a 90-day stay pursuant to visa waiver agreements. Korea issued multiple visas to nationals from the U.S., Australia, Canada, and Japan.
- ▶ Under the "Foreign Capital Inducement Law," Korea permits temporary residency to foreign nationals and specialized persons (executives, senior managers, specialists) who wish to stay and do business in Korea for their assigned engagement.
- ▶ Temporary residency was also permitted to foreigners who had worked longer than one year at the headquarters or branch offices of a foreign company and wished to be stationed in Korea as

essential and specialized persons.

1) Measures taken between 1997 and 1999

- ▶ Korea, along with Australia and Philippines, conducted a trial of an APEC Business Travel Card (ABTC) for a limited number of business people (330 for each participating economy) from April to October 1997.
- ▶ The second phase of ABTC trial operation was carried out from March to December 1998. Hong Kong China and Chile joined the trial operation and the issuance of ABTC was raised to 2,000 per economy.
- ▶ Special entry lanes for ABTC holders were set up at 3 main airports of Kimpo, Cheju and Kimhae in May 1998.
- ▶ The Regulation on the Issuance and Management of ABTC was enacted in July 1998 to implement ABTC scheme effectively.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e., short, medium and long term), transparency, comparability and value added?

- ▶ Korea's leadership and participation to ABTC trial operation has been an important effort to achieve the objective of OAA and Bogor goals.
- ▶ Korea's IAPs fully conformed to the format guidelines endorsed by SOM in August 1997 including specificity, transparency, comparability, and value added.

XIV. Uruguay Round Implementation

OAA Objective and Guidelines

Objective

APEC economies will ensure full and effective implementation of Uruguay Round outcomes within the agreed time frame in a manner fully consistent with the letter and the spirit of the WTO Agreement,

Guidelines

- (a) Each APEC economy which is a WTO member will fully and faithfully implement its respective Uruguay Round commitments.
- (b) Each APEC economy which is in the process of acceding to the WTO Agreement may participate in APEC Uruguay Round implementation actions through voluntary steps to liberalize its respective trade and investment regimes consistent with the WTO Agreement.
- (c) Each APEC economy will, on a voluntary basis, accelerate the implementation of Uruguay Round outcomes and deepen and broaden these.

a) How far has Korean economy advanced, from its starting position in 1996, towards the OAA Objectives or Bogor goals?

1) To what extent has Korean economy implemented its Uruguay Round commitments?

- Korea has already implemented most of its WTO obligations before January 1995. In 1994, 11 laws including the Customs Act and the Foreign Trade Act were enacted or revised. Implementation measures in 1995 include amendment/enactment of 14 laws, including those related to the IPR; abolition of the Act Relating to Information and Communications Research & Development; and

improvement of the Tariff Quota Administration System, the Sanitary and Phytosanitary System, and the Industrial Support System.

- ▶ In the case of the TRIPs requirement, Korea has amended and/or enacted IPR-related laws mostly between 1995 and 1998. Korea now has largely completed the implementation of the TRIPs agreement, matching the level of developed countries.
- ▶ Korea has been, and will fully implement its UR commitments according to the agreed-upon timetable. If necessary, Korea is ready to strengthen the current laws and regulations or facilitate the implementations. Indeed, Korea is reviewing the implementation of the various WTO Agreement obligations including the notification requirement through the establishment of an Interministerial Review System consisting of all the ministries concerned on a biannual basis.

2) Please describe measures taken to accelerate, on a voluntary basis, the implementation of Uruguay Round outcomes and/or deepen and broaden these.

- ▶ Korea made voluntary efforts to accelerate the implementation of the TRIPs agreement. Specifically, Korea advanced its original plan to implement the TRIPs agreement by one year by fulfilling most of its obligations by 1998, matching the level of developed countries.
- ▶ In telecommunications, Korea has advanced several of its WTO commitments including foreign ownership of telecommunication carriers. For example, foreign ownership up to 49% of facility-based basic telecommunications service suppliers was allowed two years ahead of commitments.

b) How does the IAP demonstrate the way in which the OAA objectives and the Bogor goals will be achieved, and to what extent does the IAP conform to the format guidelines endorsed by SOM in August 1997, including specificity in respect of actions and time frames (i.e. short, medium and long term), transparency, comparability and value added?

- ▶ Measures taken by Korea clearly demonstrate the way Korea achieved the OAA objectives and the Bogor goals. Most of the UR commitments were fulfilled by 1995, and further measures were taken in due time. Korea also took voluntary and facilitation measures in IPR protection and shipping industry as mentioned above.
- ▶ Korea's IAPs generally conform to the format guidelines endorsed by SOM in August 1997. Especially in the Individual Action Plan section, planned measures were described in detail with time frames in relevant cases.

國文要約

우리나라는 1996년에서 1998년간 3차의 개별실행계획 이행을 통해 APEC의 OAA 목표와 보고르목표 성취를 위한 노력을 지속시켜 왔다. 여러분야에서 무역과 투자장벽을 제거하였고 투명성 제고, 정책개혁, 법령개정과 규제철폐를 시행하여 왔다. 특히 우리나라는 비관세조치와 투자분야에 특히 뛰어난 성과를 도출하였고, 서비스, 표준 및 적합, 정부조달, 기업인노동분야에서도 좋은 성과를 보이고 있다. 그러나 지적재산권, 규제완화, 원산지규정 분야에서는 더욱 많은 노력이 요청되고 있다.

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