

CHAPTER 25

REGULATORY COHERENCE

Article 25.1: Definitions

For the purposes of this Chapter:

covered regulatory measure means the regulatory measure determined by each Party to be subject to this Chapter in accordance with Article 25.3 (Scope of Covered Regulatory Measures); and

regulatory measure means a measure of general application related to any matter covered by this Agreement adopted by regulatory agencies with which compliance is mandatory.

Article 25.2: General Provisions

1. For the purposes of this Chapter, regulatory coherence refers to the use of good regulatory practices in the process of planning, designing, issuing, implementing and reviewing regulatory measures in order to facilitate achievement of domestic policy objectives, and in efforts across governments to enhance regulatory cooperation in order to further those objectives and promote international trade and investment, economic growth and employment.

2. The Parties affirm the importance of:

- (a) sustaining and enhancing the benefits of this Agreement through regulatory coherence in terms of facilitating increased trade in goods and services and increased investment between the Parties;
- (b) each Party's sovereign right to identify its regulatory priorities and establish and implement regulatory measures to address these priorities, at the levels that the Party considers appropriate;
- (c) the role that regulation plays in achieving public policy objectives;
- (d) taking into account input from interested persons in the development of regulatory measures; and
- (e) developing regulatory cooperation and capacity building between the Parties.

第 25 章

监管一致性

第 25.1 条 定义

就本章而言：

涵盖监管措施指每一缔约方依照第 25.3 条(涵盖监管措施的范围)确定的应遵守本章的监管措施；及

监管措施指由监管机构采取的与本协定所涵盖任何事项相关的普遍适用且需强制遵守的一措施。

第 25.2 条 总则

1. 就本章而言，监管一致性指为便利本国政策目标的实现，在监管措施的计划、设计、发布、实施和审议过程中对良好监管实践的使用，以及各政府之间为深化这些目标及促进国际贸易和投资、经济增长和就业而加强监管合作努力过程中对良好监管实践的使用。

2. 缔约方确认下列各项的重要性：

- (a) 通过促进缔约方之间货物贸易和服务贸易增长及投资增长方面的监管一致性，维持和增强本协定利益；
- (b) 在每一缔约方认为适当的层级确定其监管优先事项和制定和实施处理这些优先事项措施的主权权利；
- (c) 监管在实现公共政策目标方面的作用；
- (d) 在监管措施制定过程中考虑利害关系人的建议；以及
- (e) 在缔约方之间开展监管合作和能力建设。

Article 25.3: Scope of Covered Regulatory Measures

Each Party shall promptly, and no later than one year after the date of entry into force of this Agreement for that Party, determine and make publicly available the scope of its covered regulatory measures. In determining the scope of covered regulatory measures, each Party should aim to achieve significant coverage.

Article 25.4: Coordination and Review Processes or Mechanisms

1. The Parties recognise that regulatory coherence can be facilitated through domestic mechanisms that increase interagency consultation and coordination associated with processes for developing regulatory measures. Accordingly, each Party shall endeavour to ensure that it has processes or mechanisms to facilitate the effective interagency coordination and review of proposed covered regulatory measures. Each Party should consider establishing and maintaining a national or central coordinating body for this purpose.

2. The Parties recognise that while the processes or mechanisms referred to in paragraph 1 may vary between Parties depending on their respective circumstances (including differences in levels of development and political and institutional structures), they should generally have as overarching characteristics the ability to:

- (a) review proposed covered regulatory measures to determine the extent to which the development of such measures adheres to good regulatory practices, which may include but are not limited to those set out in Article 25.5 (Implementation of Core Good Regulatory Practices), and make recommendations based on that review;
- (b) strengthen consultation and coordination among domestic agencies so as to identify potential overlap and duplication and to prevent the creation of inconsistent requirements across agencies;
- (c) make recommendations for systemic regulatory improvements; and
- (d) publicly report on regulatory measures reviewed, any proposals for systemic regulatory improvements, and any updates on changes to the processes and mechanisms referred to in paragraph 1.

Each Party should generally produce documents that include descriptions of those processes or mechanisms and that can be made available to the public.

第 25.3 条 涵盖监管措施的范围

每一缔约方应迅速且不迟于本协定对其生效之日后 1 年内，确定并公开提供其涵盖监管措施的范围。在确定涵盖监管措施的范围时，每一缔约方应以达到涵盖范围广泛为目标。

第 25.4 条 协调和审议程序或机制

1. 缔约方认识到，监管一致性可通过旨在增强与监管措施制定过程有关的机构间磋商和协调的国内机制得以促进。为此，每一缔约方应努力保证其设有可对拟议涵盖监管措施进行有效机构间协调和审议的程序或机制。每一缔约方应考虑为此目的建立和设立一国家级或中央级协调机构。

2. 缔约方认识到，尽管第 1 款中所指的程序或机制在缔约方之间因各自情况(包括发展水平及政治和制度结构差异)不同而可能存在差异，但是作为一种总体特征，此类程序或机制通常应具备下列能力：

- (a) 审议拟议涵盖监管措施，以确定此类措施的制定在何种程度上符合良好监管实践，良好监管实践可包括但不限于第 25.5 条(核心良好监管实践的实施)中所列内容，并根据审议情况提出建议；
- (b) 增强国内机构间的磋商和协调，以确定潜在的重叠和重复之处，并避免机构之间制定不一致的要求；
- (c) 就完善系统性监管提出建议；以及
- (d) 对所审议的监管措施、关于完善系统性监管的任何提案以及关于第 1 款中所指程序和机制变更情况的最新信息作出公开报告。

每一缔约方通常应编制包括关于这些程序或机制说明的文件，并可使公众获得。

Article 25.5: Implementation of Core Good Regulatory Practices

1. To assist in designing a measure to best achieve the Party's objective, each Party should generally encourage relevant regulatory agencies, consistent with its laws and regulations, to conduct regulatory impact assessments when developing proposed covered regulatory measures that exceed a threshold of economic impact, or other regulatory impact, where appropriate, as established by the Party. Regulatory impact assessments may encompass a range of procedures to determine possible impacts.

2. Recognising that differences in the Parties' institutional, social, cultural, legal and developmental circumstances may result in specific regulatory approaches, regulatory impact assessments conducted by a Party should, among other things:

- (a) assess the need for a regulatory proposal, including a description of the nature and significance of the problem;
- (b) examine feasible alternatives, including, to the extent feasible and consistent with laws and regulations, their costs and benefits, such as risks involved as well as distributive impacts, recognising that some costs and benefits are difficult to quantify and monetise;
- (c) explain the grounds for concluding that the selected alternative achieves the policy objectives in an efficient manner, including, if appropriate, reference to the costs and benefits and the potential for managing risks; and
- (d) rely on the best reasonably obtainable existing information including relevant scientific, technical, economic or other information, within the boundaries of the authorities, mandates and resources of the particular regulatory agency.

3. When conducting regulatory impact assessments, a Party may take into consideration the potential impact of the proposed regulation on SMEs.

4. Each Party should ensure that new covered regulatory measures are plainly written and are clear, concise, well organised and easy to understand, recognising that some measures address technical issues and that relevant expertise may be needed to understand and apply them.

5. Subject to its laws and regulations, each Party should ensure that relevant regulatory agencies provide public access to information on new covered regulatory measures and, where practicable, make this information available online.

第 25.5 条 核心良好监管实践的实施

1. 为有助于设计可最佳实现缔约方目标的措施，如所制定的拟议涵盖监管措施超过缔约方设定的经济影响的最低水平，或如适当，超过其他监管影响的最低水平，则缔约方在符合其法律法规的情况下，通常应鼓励相关监管机构开展监管影响评估。监管影响评估可包含一系列用以确定可能影响的程序。
2. 认识到缔约方在制度、社会、文化、法律和发展方面的差异可能产生特定监管方法，缔约方开展的监管影响评估应特别包括：
 - (a) 评估一监管提案的必要性，包括对问题性质和重要性的说明；
 - (b) 审查可行的替代措施，包括在可行的限度内且在符合法律法规的情况下，审查其成本和收益，例如所涉风险以及衍生的影响，同时认识到某些成本和收益难以量化和货币化；
 - (c) 说明所选替代措施可以有效方式实现政策目标的理由，如适当，可包括成本和收益及风险管理潜力；以及
 - (d) 在特定监管机构的职权、授权和资源范围内，依靠最佳可合理获得的现有信息，包括相关科学、技术、经济或其他信息。
3. 在开展监管影响评估时，缔约方可考虑拟议监管对中小企业的潜在影响。
4. 每一缔约方应保证新的涵盖监管措施文字简明、清晰、简洁、结构完善并易于理解，同时认识到部分措施处理技术问题，且理解和适用此类措施可能需要相关专门知识。
5. 在遵守其法律法规的前提下，每一缔约方应保证相关监管机构向公众提供获取关于新涵盖监管措施信息的渠道，且如可行，使这一信息可在线获得。

6. Each Party should review, at intervals it deems appropriate, its covered regulatory measures to determine whether specific regulatory measures it has implemented should be modified, streamlined, expanded or repealed so as to make the Party's regulatory regime more effective in achieving the Party's policy objectives.

7. Each Party should, in a manner it deems appropriate, and consistent with its laws and regulations, provide annual public notice of any covered regulatory measure that it reasonably expects its regulatory agencies to issue within the following 12-month period.

8. To the extent appropriate and consistent with its law, each Party should encourage its relevant regulatory agencies to consider regulatory measures in other Parties, as well as relevant developments in international, regional and other fora when planning covered regulatory measures.

Article 25.6: Committee on Regulatory Coherence

1. The Parties hereby establish a Committee on Regulatory Coherence (Committee), composed of government representatives of the Parties.

2. The Committee shall consider issues associated with the implementation and operation of this Chapter. The Committee shall also consider identifying future priorities, including potential sectoral initiatives and cooperative activities, involving issues covered by this Chapter and issues related to regulatory coherence covered by other Chapters of this Agreement.

3. In identifying future priorities, the Committee shall take into account the activities of other committees, working groups and any other subsidiary body established under this Agreement and shall coordinate with them in order to avoid duplication of activities.

4. The Committee shall ensure that its work on regulatory cooperation offers value in addition to initiatives underway in other relevant fora and avoids undermining or duplicating such efforts.

5. Each Party shall designate and notify a contact point to provide information, on request by another Party, regarding the implementation of this Chapter in accordance with Article 27.5 (Contact Points).

6. The Committee shall meet within one year of the date of entry into force of this Agreement, and thereafter as necessary.

7. At least once every five years after the date of entry into force of this Agreement, the Committee shall consider developments in the area of good regulatory practices and in best practices in maintaining processes or mechanisms

6. 每一缔约方应以其认为适当的时间间隔对其新涵盖监管措施进行审议，以确定是否应修改、简化、扩充或废止其实施的特定监管措施，从而使该缔约方的监管制度能更有效实现其政策目标。

7. 每一缔约方应以其认为适当的方式，并在符合其法律法规的情况下，对其合理预期其监管机构在未来 12 个月期限内发布的任何涵盖监管措施作出年度公告。

8. 在适当的限度内且在符合其法律的情况下，每一缔约方应鼓励其相关监管机构在规划涵盖监管措施时，考虑其他缔约方的监管措施，以及国际、区域和其他场合的相关发展情况。

第 25.6 条 监管一致性委员会

1. 缔约方特此设立监管一致性委员会(委员会)，由每一缔约方的政府代表组成。

2. 委员会应审议与本章实施和运用有关的问题。委员会还应审议确定未来优先事项，包括可能的部门倡议和合作活动，涉及本章下所涵盖的问题及本协定其他章所涵盖的与监管一致性相关的问题。

3. 在确定未来优先事项时，委员会应考虑根据本协定设立的其他委员会、工作组和任何其他下属机构的活动，并应与这些机构合作，以避免活动出现重复。

4. 委员会应保证其在监管合作方面的工作能够在其他相关场合正在开展的倡议基础上提供额外价值，并避免削弱或重复此类努力。

5. 每一缔约方应指定并通知一联络点，以便应另一缔约方请求，依照第 27.5 条(联络点)提供关于本章实施情况的信息。

6. 委员会应自本协定生效之日起 1 年内召开会议，并在此后必要时召开会议。

7. 委员会应在本协定生效之日后至少每 5 年审议良好监管实践领域的进展情况、设立第 25.4.1 条(协调和审议程序或机制)中

referred to in Article 25.4.1 (Coordination and Review Processes or Mechanisms), as well as the Parties' experiences in implementing this Chapter with a view towards considering whether to make recommendations to the Commission for improving the provisions of this Chapter so as to further enhance the benefits of this Agreement.

Article 25.7: Cooperation

1. The Parties shall cooperate in order to facilitate the implementation of this Chapter and to maximise the benefits arising from it. Cooperation activities shall take into consideration each Party's needs, and may include:

- (a) information exchanges, dialogues or meetings with other Parties;
- (b) information exchanges, dialogues or meetings with interested persons, including with SMEs, of other Parties;
- (c) training programmes, seminars and other relevant assistance;
- (d) strengthening cooperation and other relevant activities between regulatory agencies; and
- (e) other activities that Parties may agree.

2. The Parties further recognise that cooperation between Parties on regulatory matters can be enhanced through, among other things, ensuring that each Party's regulatory measures are centrally available.

Article 25.8: Engagement with Interested Persons

The Committee shall establish appropriate mechanisms to provide continuing opportunities for interested persons of the Parties to provide input on matters relevant to enhancing regulatory coherence.

Article 25.9: Notification of Implementation

1. For the purposes of transparency, and to serve as a basis for cooperation and capacity building activities under this Chapter, each Party shall submit a notification of implementation to the Committee through the contact points designated pursuant to Article 27.5 (Contact Points) within two years of the date of entry into force of this Agreement for that Party and at least once every four years thereafter.

所指的程序或机制的最佳实践情况以及缔约方在实施本章方面的经验，以期考虑是否向自贸协定委员会提出建议以改进本章条款，从而进一步增强本协定的利益。

第 25.7 条 合作

1. 缔约方应开展合作，以便利本章的实施，并使本章所产生的利益最大化。合作活动应考虑到每一缔约方的需求，并可包括：

- (a) 与其他缔约方的信息交流、对话或会议；
- (b) 与其他缔约方的利害关系人，包括中小企业的信息交流、对话或会议；
- (c) 培训计划、研讨会和其他相关援助；
- (d) 监管机构之之间加强合作及其他相关活动；以及
- (e) 缔约方可能同意的其他活动。

2. 缔约方进一步认识到，缔约方之间可通过保证每一缔约方的监管措施可集中获得等方式增强其在监管事项方面的合作。

第 25.8 条 利害关系人的参与

专门委员会应建立适当机制，为缔约方的利害关系人持续提供机会，就与增强监管一致性相关的事项提供建议。

第 25.9 条 实施通知

1. 为透明度目的，并作为本章下合作和能力建设活动的基础，每一缔约方应在本协定对其生效之日起 2 年内及此后至少每 4 年，通过其根据第 27.5 条(联络点)指定的联络点向委员会提交实施通知。

2. In its initial notification, each Party shall describe the steps that it has taken since the date of entry into force of this Agreement for that Party, and the steps that it plans to take to implement this Chapter, including those to:

- (a) establish processes or mechanisms to facilitate effective interagency coordination and review of proposed covered regulatory measures in accordance with Article 25.4 (Coordination and Review Processes or Mechanisms);
- (b) encourage relevant regulatory agencies to conduct regulatory impact assessments in accordance with Article 25.5.1 (Implementation of Core Good Regulatory Practices) and Article 25.5.2;
- (c) ensure that covered regulatory measures are written and made available in accordance with Article 25.5.4 (Implementation of Core Good Regulatory Practices) and Article 25.5.5;
- (d) review its covered regulatory measures in accordance with Article 25.5.6 (Implementation of Core Good Regulatory Practices); and
- (e) provide information to the public in its annual notice of prospective covered regulatory measures in accordance with Article 25.5.7 (Implementation of Core Regulatory Practices).

3. In subsequent notifications, each Party shall describe the steps, including those set out in paragraph 2, that it has taken since the previous notification, and those that it plans to take to implement this Chapter, and to improve its adherence to it.

4. In its consideration of issues associated with the implementation and operation of this Chapter, the Committee may review notifications made by a Party pursuant to paragraph 1. During that review, Parties may ask questions or discuss specific aspects of that Party's notification. The Committee may use its review and discussion of a notification as a basis for identifying opportunities for assistance and cooperative activities to provide assistance in accordance with Article 25.7 (Cooperation).

Article 25.10: Relation to Other Chapters

In the event of any inconsistency between this Chapter and another Chapter of this Agreement, the other Chapter shall prevail to the extent of the inconsistency.

2. 在其首次通知中，每一缔约方应就其自本协定对其生效之日起为实施本章已经采取的及计划采取的步骤进行说明，包括下列步骤：

- (a) 依照第 25.4 条(协调和审议程序或机制)设立程序或机制以便利对拟议涵盖监管措施开展有效机构间协调和审议；
- (b) 鼓励相关监管机构依照第 25.5.1 条(核心良好监管实践的实施)和第 25.5.2 条开展监管影响评估；
- (c) 保证涵盖监管措施依照第 25.5.4 条(核心良好监管实践的实施)和第 25.5.5 条制定和可获得；
- (d) 依照第 25.5.6 条(核心良好监管实践的实施)对涵盖监管措施进行审议；以及
- (e) 依照第 25.5.7 条(核心监管实践的实施)在其年度通知中就未来可能采取的涵盖监管措施向公众提供信息。

3. 在后续通知中，每一缔约方应说明其自上一次通知以来已经采取的步骤，包括第 2 款中所列措施，以及其为实施和更好遵守本章而计划采取的步骤。

4. 在审议与本章实施和运用有关的问题时，委员会可对一缔约方根据第 1 款提交的通知进行审议。在审议过程中，缔约方可对该缔约方通知的具体方面提问或讨论。委员会可将其对一通知的审议和讨论作为确定依照第 25.7 条(合作)提供援助的机会和提供援助的合作活动的根据。

第 25.10 条 与其他章的关系

如本章与本协定另一章存在任何不一致之处，则在不一致的范围内应以该另一章为准。

Article 25.11: Non-Application of Dispute Settlement

No Party shall have recourse to dispute settlement under Chapter 28 (Dispute Settlement) for any matter arising under this Chapter.

第 25.11 条 争端解决的不适用

缔约方不得将本章下产生的任何事项诉诸第 28 章(争端解决)下的争端解决。