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SERVICES LIBERALIZATION IN ASEAN

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SERVICES LIBERALIZATION IN ASEAN

Foreign Direct Investment in Logistics

Edited by Tham Siew Yean and Sanchita Basu Das



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CONTENTS

List	of Tables	vii
List	of Figures	xi
Fore	eword by Tan Sri Rebecca Fatima Sta Maria, Senior Policy Fellow, ERIA	xiii
Pref	face	xvi
Ack	nowledgements	xviii
Abb	reviations	XX
Abo	ut the Contributors	XXV
1.	Introduction Tham Siew Yean and Sanchita Basu Das	1
2.	Reforming Indonesia's Logistics Sector Titik Anas and Nur Afni Panjaitan	42
3.	FDI Liberalization in Malaysia's Logistics Services Tham Siew Yean	77
4.	Logistics Services Liberalization in the Philippines <i>Gilberto M. Llanto</i>	110
5.	Services Sector Liberalization in Singapore: Case of the Logistics Sector Sanchita Basu Das and Evelyn Peiqi Ooi Widjaja	148
6.	Logistics Services Liberalization in Thailand Ruth Banomyong	181

VI		Content
7.	Services Liberalization in Vietnam: The Case of FDI in Logistics Sector Nguyen Anh Thu, Vu Thanh Huong and Nguyen Thi Minh Phuong	212
8.	Services Liberalization: Case of Logistics in Brunei Tham Siew Yean	242
9.	FDI, Services Liberalization and Logistics Development in Cambodia Vannarith Chheang	268
10.	Services Liberalization in Lao PDR: FDI in Logistics Sector of a Land-linked Country Phanhpakit Onphanhdala and Vanvisa Philavong	297
11.	Facilitating FDI for the Logistics Sector in Myanmar: Agency Incentives, and Institutions Min Ye Paing Hein and Ruth Banomyong	330
Inde	x	361

LIST OF TABLES

1.1	Ranking of ASEAN Countries for Political Stability,	7
	Perceived Level of Corruption, and Rule of Law, 2014 or 2015	
1.2	Infrastructure Competitiveness by Sector, 2015	9
1.3	Human Capital Index, 2015 Ranking, ASEAN	10
1.4	Structure of Commitments by ASEAN Members in GATS	12
1.5	Extent of Liberalization under GATS Commitment	13
1.6	Number of Services Subsectors Covered in AFAS Packages of Commitments	16
1.7	Restrictiveness of AFAS Commitments and Applied Policies	17
1.8	Roadmap for the Integration of Logistics (RILS)	20
1.9	Liberalization Targets in Logistics	21
1.10	Contribution of Logistics Sector to National GDP of ASEAN Countries	23
1.11	Definition/Understanding of Logistics Services in ASEAN Member Countries	32
2.1	Export and Import of Services: Indonesia, 2005 and 2015	47
2.2	Contribution to GDP, 2000–14	51
2.3	Indonesia in Logistics Global Value Chain	52
2.4	FDI for Logistics Sectors	55
2.5	Foreign Equity Limits in Indonesia's Logistics Sector	59
2.6	List of Trade Logistics Related Responsibility and Their Respective Ministries	62
2.7	Coverage of Sectors in AFAS 8 and AFAS 9	64
2.8	Indonesia's Hoekman Index by Eleven Subsectors	64

viii List of Tables

2.9	Foreign Equity Limits in Transport Services Committed in the Ninth Package of AFAS	66
3.1	Foreign Equity Limits in Selected Services, 2016	82
3.2	FDI Restrictiveness Index for Manufacturing and Services in ASEAN, 2015	84
3.3	FDI Stock by Sector as at Year End, 2010-14	86
3.4	Principal Statistics of Transportation and Storage Services, 2010 and 2014	89
3.5	Summary of the Logistics and Trade Facilitation Master Plan, 2015–20	91
3.6	Malaysia's Commitments in WTO and ASEAN for the Logistics Sector, as of 2016	96
3.7	FDI Stock in Transportation and Storage, 2005–15	99
3.8	Exports of Transportation and Storage, 2010–15	100
3.9	Imports of Transportation and Storage, 2010-15	100
4.1	Value Added and Employment in the Philippines, 1980s to 2000s	114
4.2	Gross Value Added of the Services Sector	115
4.3	Employment in the Services Sector, 2014	116
4.4	Annual Survey of Philippine Business and Industry: Transport, Storage and Communication	117
4.5	Philippine Logistics Market Forecast	119
4.6	Domestic Logistics Performance Index, Environment and Institutions, 2016	120
4.7	Philippine International Commitments on Transportation and Logistics Services	128
4.8	Private Investments in the Transport and Logistics Sector, 2015	137
5.1	Share of Services in Total GDP and Employment	151
5.2	Sectoral Distribution of FDI Stock, 1990–2014	153
5.3	Geographic Distribution of Singapore FDI Stock	153
5.4	FDI Inflows into ASEAN Countries	154
5.5	FDI Restrictiveness Index for Manufacturing and Services Sector in ASEAN, 2015	154
5.6	Comparing Restrictiveness of Singapore's ASEAN and WTO Commitments and Applied Policies	155
5.7	Changes in the Work Permit Levy Rate for the Services Sector, 2011–16	160

List of Tables ix

5.8	Singapore Logistics Industry	161
5.9	Singapore's Commitments in Logistics Subsectors under GATS and AFAS 9	166
5.10	FDI Stocks (end-year) in Singapore Logistics Industry	168
6.1	Definitions of the Services Sector	187
6.2	Schedule of Horizontal Commitments: Thailand for the Ninth Package of Commitments under AFAS	189
6.3	Thailand's List of MFN Exemptions for the Ninth Package of Commitments under AFAS	191
6.4	Categories of Businesses as Listed in the FBA in Thailand	195
6.5	Logistics Services Firms' Registration in Thailand	202
6.6	Geographical Distribution of Registered Logistics Services Firms in Thailand, 2013	202
6.7	Assets Owned by Logistics Firms in Thailand	204
6.8	Challenges Faced by Thai Logistics Service Providers	208
7.1	Vietnam's Services Commitments under GATS and AFAS 7, 8 and 9	219
7.2	Vietnam's Classification of Logistics Services	221
7.3	Number of Logistics Companies in Vietnam, 2015	223
7.4	Limitations on Mode and Capital Contribution Ratio of Foreign Investors Engaging in Logistics Services	225
7.5	Vietnam's Commitments in Logistics Services under AFAS 9	231
7.6	FDI in Transportation and Storage, 2012–15	237
8.1	Nominal GDP by Economic Activity, 2010–15	244
8.2	Investment Incentives	249
8.3	FDI Inflows by Sector and Country, 2008–15	253
8.4	Brunei's Scores for AFAS 8 in FDI Restrictiveness	254
8.5	Key Statistics of Private Enterprises by Sector, 2010	255
8.6	Brunei's Commitments in ASEAN for Logistics Sector, as of 2016	259
9.1	GDP and FDI Inflows, 2000-15	269
9.2	Structure of Output	272
9.3	Service Liberalization AFAS 8, Simple Average of 154 Subsectors	274
9.4	Enterprise Survey 2016	275
9.5	Cambodia's Commitments in ASEAN for Logistics Sector, as of 2016	282

x List of Tables

9.6	Investments by Sector, 2011–15	283
9.7	Investment Capital, 2011–15	283
10.1	Survey Respondents	299
10.2	List of Key Informants	300
10.3	Top Ten FDI Inflows to Lao PDR, 1989-2015	303
10.4	Top Five Foreign Investors to Lao PDR by Period	303
10.5	Major Points of Law on Investment in Lao PDR, 1988–2016	305
10.6	Incentive or Corporate Profit Tax of Investment Promotion Law 2009	306
10.7	Incentive or Corporate Profit Tax in Investment Law 2016 (draft)	307
10.8	Domestic Restrictions in Logistics Services	308
10.9	Lao PDR Schedule of Logistics Sector Commitments under AFAS 9	310
10.10	Distribution of Freight Firms in Terms of Value of Investment, Staff Qualification and Vehicles Lifetime	313
10.11	Freight Forwarders' Facilitating Equipment	315
10.12	Marketing Strategy of Freight Firms	316
10.13	Distance Between Lao Main Dry Ports and Nearby Countries' Ports	321
11.1	Negative List (Restrictions) Affecting FDI in Selected Logistics-related Activities	348

LIST OF FIGURES

1.1	OECD Regulatory Restrictiveness Index, 2015	8
1.2	Logistics Service Activities	19
1.3	Ranking in Logistics Performance of ASEAN Member States, 2016	22
1.4	Logistics Performance in ASEAN Member States, 2016	22
2.1	Services in GDP, 2000–14	44
2.2	Share of Total Employment in Services, 2014	45
2.3	Average Share of Services in International Trade, 2005–15	46
2.4	OECD Services Trade Restrictiveness Index (STRI) by Sector and Policy Area: Indonesia, 2015	48
2.5	Evolution of Indonesia's Services FDI Regulatory Restrictiveness	49
2.6	Indonesia's Direct Investment Projects and Indonesia's Direct Investment Value	50
2.7	Logistics Cost	53
2.8	Share of Transportation in Indonesia's Logistics Cost	53
2.9	Indonesia's Logistics Performance Index, 2016	54
2.10	Overall STRI for Logistics Sectors, 2015	63
3.1	Share of Agriculture, Manufacturing and Services to GDP, 1960–2015	80
3.2	Share of Employment in Agriculture, Manufacturing and Services, 1982–2014	80
3.3	Malaysia's Inward FDI and Outward FDI by Flows, 1980–2015	85
3.4	Malaysia's Inward FDI and Outward FDI by Stocks, 1980–2015	85
3.5	Exports of Malaysia, 1980–2015	87

xii List of Figures

4.1	GDP Shares by Industry, 1998–2016	113
4.2	Regulatory Quality in ASEAN, 2008-13	125
5.1	Growth Rate of Manufacturing and Services, 1990-2015	152
6.1	Value of Agriculture	184
6.2	Value Added of Industry to GDP	185
6.3	Value Added of Service to GDP	186
6.4	Estimated Annual Growth Rate of the Thai Logistics Market	203
7.1	Vietnam's FDI Inflows, 1991–2015	214
7.2	Vietnam's Registered FDI Inflows by Group,	215
	Accumulated as of 31 December 2015	
7.3	Vietnam's Registered FDI Inflows by Group, 2008-15	216
7.4	Vietnam's Registered Cumulative FDI in Services by	216
	Sector, as of 31 December 2015	
7.5	Value and Share of Transportation and Storage in GDP	222
8.1	Brunei Darussalam Value Added, 1974–2015	246
8.2	Brunei Darussalam FDI, 2001–15	252
9.1	Logistics Performance of Cambodia	276
10.1	FDI Approvals by Sector, 2005–15	302
10.2	Staff Training Programmes	315
10.3	Obstacles of Freight Forwarding Business in Lao PDR	316
10.4	Map of Dry Ports in Lao PDR	319
10.5	Map of North-South Economic Corridor, Lao PDR	320
10.6	Map of East-West Economic Corridor, Lao PDR	322
11.1	Share of Sectors by GDP, 1995-2014	333
11.2	Share of Employment by Sector in Myanmar, 2005-14	333
11.3	Myanmar, Approved FDI, FDI Inflows, FDI Stock	338
11.4	Stock of FDI to GDP	344
11.5	Logistics Performance Index of Myanmar in 2016	345
	Compared with ASEAN Countries (except Singapore)	
11.6	Services Trade Restrictiveness Index for Logistics Subsectors	347

FOREWORD

ASEAN turns fifty this year. And there is cause for celebration. For a group of countries that are so economically, politically and culturally varied, it has achieved much over the five decades. To appreciate the strides made by this regional grouping one has to explore ASEAN's economic journey from modest goals of a preferential trade agreement (PTA) in the 1970s through the establishment of the ASEAN Free Trade Area (AFTA) in the 1990s, the AEC Blueprint 2015 (AEC 2015) and AEC Blueprint 2025 (AEC 2025).

The ASEAN story reflects the grouping's step-by-step confidence building approach towards integration. This served the members well, allowing for domestic adjustments even as it deepened its regional commitments, moving from voluntary liberalization under the PTA, through the rules-based ASEAN Trade in Goods Agreement (ATIGA) and services liberalization under the ASEAN Framework Agreement on Services (AFAS), and laying the foundation for an integrated investment region through the ASEAN Comprehensive Investment Agreement (ACIA). The latter three agreements are core to both the AEC 2015 and AEC 2025 as the region looks to deepening economic integration not just among the ASEAN Member States (AMS) but also with its Dialogue Partners.

ASEAN has been successful in the removal of tariffs for intra-ASEAN trade in goods; done significant work on services liberalization; and has managed some measure of streamlining of investment rules. Much work has also been done on Mutual Recognition Agreements and Standards and Conformance.

Even as ASEAN revels in its achievement, much more needs to be done. Key to ASEAN economic integration is trade facilitation. Meaningful market access for both goods and services requires that ASEAN move forward with work on Non-Tariff Measures, domestic regulations as well as continued infrastructure and human capital development. These measures are outlined in the AEC Blueprint 2025, which has the following features: (i) A Highly Integrated and Cohesive Economy; (ii) A Competitive, Innovative,

xiv Foreword

and Dynamic ASEAN; (iii) An ASEAN with Enhanced Connectivity and Deeper Sectoral Cooperation; (iv) A Resilient, Inclusive, People-Oriented, and People-Centered ASEAN; and (v) A Global ASEAN.

Complementing AEC 2025 is the Master Plan on ASEAN Connectivity 2025 (MPAC 2025). The focus of MPAC 2025 is on (i) sustainable infrastructure; (ii) digital innovation; (iii) seamless logistics; (iv) regulatory excellence; and (v) people mobility. It builds on the work done thus far to improve connectivity in the region and recognizes that much remains to be done to realize the vision of a seamlessly connected ASEAN.

Both these Blueprints highlight that it is difficult to realize economic integration, innovative and inclusive growth, and have its industries weave into global value chains (GVCs), without paying attention to both physical and institutional connectivity. Physical connectivity is a prerequisite for economic development. Trade facilitation in the form of tariff elimination and reduction in logistics costs, efficient physical connectivity of roads, rail and ports, is necessary.

However, physical connectivity must be complemented by institutional connectivity, i.e., higher trade and investment facilitation which allows for transfer of knowledge and attraction of higher level skills, and the liberalization and strengthening of GVC-supporting services such as finance, telecommunication, transport, distribution, and professional services. It is the combination of physical and institutional connectivity which would enhance ASEAN's competitiveness, and draw quality Foreign Direct Investments (FDI) needed for the region's sustained economic growth.

The AEC 2025 and MPAC 2025 stress the importance of the services sector and measures to reduce services trade restrictiveness as these have a positive indirect impact on the manufacturing sectors that use services as intermediate inputs in production. This implies ensuring the development of seamless logistics in the region through strengthening ASEAN competitiveness. Therein lies the challenge. It is in this context that this publication is relevant.

Given the complexity of the services sector it is appropriate that this publication has focused on logistics as it is not only one of the twelve priority integration sectors for ASEAN, but it also encompasses key aspects of the manufacturing supply chain. Echoing MPAC 2025, the authors reiterate that an effective logistics sector enhances efficiencies in supply-chain movements, reduces trade costs and facilitates trade across countries.

Using the OECD Regulatory Restrictiveness Index, the World Economic Forum's (WEF) Human Capital Index, the WEF's Global Competitiveness Reports, the World Bank's Ease of Doing Business reports, the World Bank's Logistics Performance Index (LPI), and analyses of ASEAN's services

Foreword xv

commitments in AFAS and WTO GATS, the authors highlight the variation in performance and commitments across the region. The country chapters identify in detail the challenges for each AMS and dive deeper into measures that may be taken to address them.

The authors have aggregated the issues, provided substantial analyses of the challenges, and put forward recommendations that ASEAN, collectively, and each AMS, may take towards achieving the goals set out in AEC 2025 and MPAC 2025.

Policymakers in each AMS should find the individual case studies useful as they work to overcome the challenges in liberalizing and facilitating an FDI-enabling environment for the services sector in general, and the logistic sector, specifically.

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22 May 2017

PREFACE

A frequent question raised in discussions on Free Trade Agreements (FTAs) is the impact of liberalization in services on inflows of Foreign Direct Investment (FDI). Policymakers are concerned if liberalization has encouraged FDI inflows while researchers are keen to test the same relationship. Likewise, the public is curious as to whether FTAs are as useful as touted. Yet the relationship between liberalization and inflows of FDI is not as straightforward for services as in the case of manufacturing. This is because the services sector is frequently highly regulated due to information asymmetries between producers and consumers. Domestic regulations therefore play an important role in protecting domestic consumers but these regulations can at the same time hinder the entry of both domestic and foreign service providers. While liberalization is important, it is not sufficient and any attempt at investigating the impact of liberalization on inflows of FDI has to take into consideration the FDI enabling environment in a country.

Given this, we are motivated to undertake a study that can illuminate the academics, policymakers and businesses on liberalization issues in the services sector for the ten member countries in ASEAN. We decided to focus on FDI liberalization in services as commercial presence is considered as the most important mode of trade in services. Given the heterogeneity of the services sector, we chose to focus on the logistics industry as a case study as the industry plays a key role in the movement of goods, services and people across ASEAN.

The main objective of this book is, thus, to compare international and domestic policy measures for attracting FDI and its impact on inflows of FDI in the services sector in the ten ASEAN member countries. This has implications for ASEAN's economic cooperation, in general, and for the logistics sector integration, in particular.

Preface xvii

To meet the objective, we gathered experts from ten Southeast Asian countries. We conducted one closed-door workshop and one public conference at ISEAS – Yusof Ishak Institute, Singapore to discuss the content of the chapters and gather feedback and comments from participants. The meetings were conducted in June 2016 and November 2016, respectively.

The book begins with an overview chapter that covers the literature on FDI in services sector, together with an analytical framework that is subsequently used in the country chapters and discussions on the logistics industry. The overview chapter also provides a preview of the subsequent country-chapters and outlines key findings and policy recommendations. It is then followed by ten country chapters written by experts on the services and logistics sector.

We hope this book will help stakeholders of ASEAN member countries and other interested parties in understanding the current state of services liberalization and facilitation measures in order to attract FDI. It will help readers to develop an understanding of the logistics sector in the region and the key factors that make it difficult to provide a seamless movement of goods and services across ASEAN member countries' borders. We hope the policy recommendations can provide food for thought for policymakers in the region.

ACKNOWLEDGEMENTS

This book would not have made it without the kind support from many within the ISEAS – Yusof Ishak Institute, Singapore. We sincerely thank ISEAS Director, Mr Tan Chin Tiong, for his unwavering support from the start to the completion of this book project. His trust in us, as coordinators of the project and subsequently as the editors of the book, has spurred us to do our very best. We also thank Dr Ooi Kee Beng, former Deputy Director of ISEAS, for his kind suggestions and advice over the course of the project.

Our heartfelt thanks to the authors, who made time for us to write the country chapters and also to attend the two meetings at ISEAS, Singapore, during the course of the project. Their frank and balanced opinion and willingness to share ideas and experiences have helped to improve the initial drafts greatly. In particular, we thank Dr Gilberto M. Llanto, President, Philippine Institute for Development Studies (PIDS) and Associate Professor Dr Ruth Banomyong of Thammasat University for sharing their insights with us at the two meetings of the initial draft chapters. We genuinely thank all authors for their patience and perseverance to work on their chapters during the review and the editorial process. It is their combined efforts that have enabled this book to be completed on time.

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We are thankful to all who have helped us with the project to make it a success. Any shortcomings during the course of the study or in this publication are entirely our own.

Tham Siew Yean and Sanchita Basu Das

The Editors

ABBREVIATIONS

10MP Tenth Malaysia Plan
11MP Eleven Malaysia Plan
2PLs Second Party Logistics
3PLs Third Party Logistics

AANZFTA ASEAN-Australia-New Zealand Free Trade Area

ACFTA ASEAN—China Free Trade Agreement

ADB Asian Development Bank

AEC ASEAN Economic Community

AFAS ASEAN Framework Agreement on Services

AFC Asian Financial Crisis

AFFA ASEAN Freight Forwarders Association

AMSs ASEAN Member States

ASPBI Annual Survey of Philippine Business and Industry

ASW ASEAN Single Window

ATIGA ASEAN Trade in Goods Agreement ATISA ASEAN Trade in Services Agreement BCC Brunei Competition Commission

BDNSW Brunei Darussalam National Single Window BEDB Brunei Economic Development Board

BIMP-EAGA Brunei Darussalam-Indonesia-Malaysia-Philippines

East ASEAN Growth Area

BOI Board of Investment
BOO Build-Own-Operate
BOT Build-Operate-Transfer

BRUFA Brunei Freight Forwarders Association
CAAP Civil Aviation Authority of the Philippines

CAGR Compound Annual Growth Rate

CAMFFA Cambodia Freight Forwarders Association

CAPEX Capital Expenditure

CBTA Cross-Border Transport Agreement

Abbreviations xxi

CDG Capability Development Grant
CFE Committee on the Future Economy
CLM Cambodia, Lao PDR and Myanmar

CLMV Cambodia, Lao PDR, Myanmar and Vietnam

CO Certificate of Origin

CPC Central Product Classification

CPPM Customs-Private Sector Partnership Mechanism CSEZB Cambodian Special Economic Zone Board

DDA Doha Development Agenda

DICA Directorate of Investment and Company Administration

DOS Department of Statistics

DOTC Department of Transportation and Communication

DOTr Department of Transportation

DPWH Department of Public Works and Highways

DTAs Double Taxation Agreements

DTIS Diagnostic Trade Integration Study

DVA Domestic Value Added

ECER East Coast Economic Region

EDB Economic Development Board

EPU Economic Planning Unit

EU European Union EVFTA EU–Vietnam FTA

EWEC East–West Economic Corridor FAST FDI Action and Support Centre

FBA Foreign Business Act
FBL Foreign Business License
FDI Foreign Direct Investment

FESR Framework for Economic and Social Reforms

FIC Foreign Investment Committee

FIL Foreign Investment Law

FIMC Foreign Investment Management Committee

FTAs Free Trade Agreements

GAFA Gross Additions to Fixed Assets

GATS General Agreement of Trade in Services
GDCE General Department of Customs and Excise

GDL Goods Drivers Licence GDP Gross Domestic Product GFC Global Financial Crisis

GLCs Government-Linked Companies GMS Greater Mekong Sub-region **xxii** Abbreviations

GMS-CBTA Greater Mekong Sub-region Cross Border Transport

Agreement

GRP Good Regulatory Practices
GSA General Sales Agent
GSO General Statistics Office

GSP Generalized System of Preferences

GVA Gross Value Added GVCs Global Value Chains

IAI Initiative of ASEAN Integration

ICD Inland Container Depot

ICT Information, Communication and Technology IDA Infocomm Development Authority of Singapore

IE International Enterprise

IILS International Integrated Logistics Services

ILO International Labour Organization ILS Integrated Logistics Services

IMP Industrial Master Plan

INSW Indonesia National Single Window

IO Input-Output
IP Intellectual Property

IPA Investment Promotion Authority
IPD Investment Promotion Department

ISIC International Standard Industrial Classification

ITAInternational Trade AdministrationITMIndustry Transformation MapJETROJapan External Trade Organisation

JICA Japanese International Cooperation Agency KAMSAB Kampuchea Shipping Agency and Brokers

KII Key Informant Interview

LIFFA Lao International Freight Forwarder Association

LPI Logistics Performance Index LRTA Light Rail Transit Authority LSPs Logistics Service Providers

LTFRB Land Transportation Franchising and Regulatory Board

MFN Most Favoured Nation

MIAA Manila International Airport Authority
MIC Myanmar Investment Commission

MIDA Malaysian Investment Development Authority

MIFFA Myanmar International Freight Forwarders' Association

MLC Malaysian Logistics Council

Abbreviations xxiii

MNCs Multinational Companies
MNP Movement of Natural Persons
MoC Ministry of Commerce

MoIC Ministry of Industry and Commerce
MoPWT Ministry of Public Works and Transport
MoTC Ministry of Transport and Communications
MPAC Master Plan on ASEAN Connectivity
MPC Malaysia Productivity Corporation
MPI Ministry of Planning and Investment

MRAs Mutual Recognition Agreements
MSC Multimedia Super Corridor
MSIC Malaysia Standard Industrial Classification

MSMEs Micro, Small and Medium Enterprises
NCC National Competitiveness Council

NEDA National Economic and Development Authority

NEM New Economic Model

NESDB National Economic and Social Development Board

NLA National Logistics Association NLD National League for Democracy NLMP National Logistics Master Plan

NPDIR National Policy on the Development and

Implementation of Regulations

NSA National Single Window

NSEC North-South Economic Corridor

OECD Organisation for Economic Co-operation and

Development

OFDI Outward Foreign Direct Investment
OLI Ownership, Location and Internalization
PIC Productivity and Innovation Credit

PIS Priority Integration Sector

PISFA Philippine International Seafreight Forwarders

Association

PNR Philippine National Railways
PPAP Phnom Penh Autonomous Port
PPP Public–Private Partnership

PSIC Philippine Standard Industrial Classification RCEP Regional Comprehensive Economic Partnership

RIA Regulatory Impact Analysis

RILS Roadmap for the Integration of Logistics

RORO Roll-on Roll-off

xxiv Abbreviations

RTAs Regional Trade Agreements

RURB Reducing Unnecessary Regulatory Burdens

SEEs State Economic Enterprises SEF Services Export Fund

SEOM Senior Economic Officials Meeting SEZA Special Economic Zone Authority

SEZs Special Economic Zones

SISLOGNAS Development of the National Logistics System (Sistem

Logistik Nasional)

SLA Singapore Logistics Association SMEs Small and Medium Enterprises

SOEs State-owned Enterprises

STRI Services Trade Restrictiveness Index

TBP Temporary Border Pass

TDSP Trade Development Support Program

TFCP Trade Facilitation and Competitiveness Project

TISA Trade in Services Agreement
TiVA Trade in Value Added
TPP Trans-Pacific Partnership

TPPA Trans Pacific Partnership Agreement

TVET Technical Vocational Education and Training UMFCCI Union of Myanmar Federation of Chambers of

Commerce and Industry

UNCTAD United Nations Conference on Trade and Development UNESCAP United Nations Economic and Social Commission for

Asia and the Pacific

UNIDO United Nations Industrial Development Organization

VAT Value Added Taxes

VLA Vietnam Logistics Association
WDA Workforce Development Agency
WGI Worldwide Governance Indicators
WSQ Workforce Skills Qualification
WTO World Trade Organization

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