

**ASEAN Law Association**  
**Trade and Investment Group**

**Survey of ASEAN Trade and Investment Laws and Regulations**

**Explanation for Survey**

**1. The mandate for the ALA Trade and Investment Group (TIG) as approved at the 2014 General Council meeting, is as follows:**

- (i) To provide inputs for an ASEAN common position on trade and investment dispute under the WTO rules and procedure;
- (ii) Compile and annotate all changes in trade and investment laws and regulations of the respective ASEAN countries for further sharing with all ALA members.

2. The TIG, in accordance with this mandate, has prepared a survey on members' trade and investment laws and regulations, and related dispute settlement matters that may be of interest to foreign investors.

3. The information gathered will provide important and useful information to be shared with all ALA members. To this end the information gathered could be made available on, *inter alia*, the ALA website.

4. a) Such information will contribute to facilitation of commerce and investment in the AEC which is due to be formed in 2015, as it will give ASEAN businesses – including ASEAN SMEs, which receive particular attention under the ASEAN Economic Blueprint and ASEAN Strategic Action Plan on SME Development (2010-2015) – and their legal advisers greater access to important basic information on ASEAN laws and regulations.

b) The information will also contribute toward the forming of input for the purpose of paragraph (i) of the above mandate.

c) The information can contribute to increasing knowledge of ASEAN trade and investment laws and as a result, ASEAN's competitiveness as a whole in trade and investment, as the AEC seeks to compete with other countries, economic blocs and regions.

d) The information will be useful to businesses in ASEAN which have disputes in the field of trade and investment, as the ASEAN Comprehensive Investment Agreement (Article 33) clearly provides ASEAN investors with options such as resorting to national courts in ASEAN and to ICSID arbitration, etc.

e) The survey results can provide a useful “snapshot” of this area of law for businesses.

5. It is proposed therefore that a survey be conducted in ALA to gather, for a start, the following information, for sharing with members:

- Names and references of specific investment laws and regulations that affect cross-border trade and foreign investment;

- Weblinks for locating such laws and regulations;
  - Information on the relevant national Ministries/Government Departments administering these laws and regulations;
  - Information on whether ASEAN investors which have disputes may enforce their judgments in other ASEAN countries (information on arbitration awards in ASEAN has been covered in the Workshop papers of the 9<sup>th</sup> and 10<sup>th</sup> ALA General Assembly).
6. The attached document is a survey form setting out the above queries. The ALA Trade & Investment Group would like to request that you kindly provide the requested information for your country, and send it back to the TIG Coordinator at [lockniehsu@smu.edu.sg](mailto:lockniehsu@smu.edu.sg) by 31 August 2015. If your information is available earlier than 31 August 2015, the TIG would be grateful to receive it earlier, as and when it is ready.

ALA Trade & Investment Group

3 March 2015

## ASEAN Law Association Trade and Investment Group

### Survey Form on Trade and Investment Laws and Regulations

This survey will enable the ASEAN Law Association's Trade and Investment Group (TIG) to collect and collate important information on ASEAN members' trade and investment laws and regulations and to share such information with ALA members in accordance with its mandate. We would appreciate it if you could kindly provide us with the following information on your legal system.

(Please include extra sheets if necessary.)

The TIG requests that the survey answers be kindly returned by email to the Coordinator at [lockniehsu@smu.edu.sg](mailto:lockniehsu@smu.edu.sg) by **31 August 2015** (or earlier, if ready). We look forward to your kind input. Thank you very much.

#### In your legal system:

1. What national laws and regulations govern cross-border trade and foreign investment?

Please indicate as follows, as fully as possible:

Names of laws and regulations and the relevant webpages where these may be found in English (where available):

<u>Name of Laws/Regulations</u>	<u>Relevant Weblinks (if any)</u>	<u>Relevant Ministry/Agency</u>
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2. What free trade agreements has your country entered into?

<u>Names of FTAs</u>	<u>Relevant Weblinks (if any)</u>
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3. What bilateral or regional investment agreements (other than those of ASEAN as a group) has your country entered into?

Investment Agreements

Relevant Weblinks (if any)

4. If an investor obtains a money judgment in another ASEAN country, can the judgment be enforced in your country?

Yes / No

If yes –

- a) What is the relevant law/regulation?
- b) What is the available procedure? (please indicate main steps briefly)
- c) When might your system reject such enforcement nonetheless? (e.g. grounds)

5. Is your country a signatory to the New York Convention on the recognition and enforcement of international arbitration awards?

Yes / No

If yes, what is the domestic implementing legislation for the New York Convention in your country?

6. Is your country a party to the ICSID Convention?

Yes / No

7. Does your system have an agency or team that is designated to address investor complaints or to assist aggrieved investors (particularly from ASEAN)?

Yes / No

If yes, please provide brief information:

Thank you very much for helping the TIG! Your input will help increase information-sharing with ALA members and further increase understanding on ASEAN trade and investment laws among businesses and foreign investors.

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