



Electronic Commerce discussions at the WTO

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November 2018

Background

- Declaration on Global Electronic Commerce
 - Work programme
 - Moratorium on customs duties
- General Council adopts Work Programme (1998)
 - “production, distribution, marketing, sale or delivery of goods and services by electronic means”
 - explore relationship between WTO agreements and e-commerce
- GC plus Council for Trade in Goods (CTG); Council for Trade in Services (CTS); TRIPS Council & Committee on Trade and Development (CTD)

Background

- Dedicated discussions from 2001 to 2016
- Since 1998, Ministers have:
 - Taken note of the work done
 - Agreed to continue and reinvigorate the Work Programme
 - GC to hold periodic reviews
- Renewal of moratorium

Post Nairobi

- Increased interest and momentum. Why?
- Emergence of groups
 - MIKTA
 - Friends of E-commerce for Development (FEDs)
- Trade Dialogue with business
 - May 2016
 - June 2018
- WTO Public Forums
- Increased focus on e-commerce by IGOs, etc

Issues/topics raised

- ▶ Definition
- ▶ Customs duties
- ▶ Moratorium
- ▶ Transparency
- ▶ Non-discrimination
- ▶ Data flows
- ▶ Market access
- ▶ Privacy/ personal data
- ▶ E-signatures
- ▶ Authentication
- ▶ Localisation requirements
- ▶ Consumer protection & confidence (cybersecurity, spam)
- ▶ IPR protection
- ▶ Electronic payments
- ▶ Development challenges
- ▶ Legal frameworks
- ▶ Regulatory cooperation
- ▶ Cooperation with other Int. Organizations
- ▶ etc.

Dedicated discussions in 2016/17

- July 2016
 - Introduction of submissions
 - Preparations for the July General Council
- October 2016
 - Submissions not discussed; focus on process
 - Differing views
 - rule-making; mandates; digital divide; priority to unresolved DDA issues
- General Council December 2016
 - Noted divergent views
 - Need to address development aspects

2017 discussions

- No Dedicated discussions held since October 2016
- Discussion of submissions in subsidiary bodies
 - Including recirculation
- Heads of Delegation & GC meetings
 - Continued divergences

Pre-Buenos Aires

- July 2017
 - Preparations for MC11 – GC Chair consultations
 - Various configurations
- Textual proposals
 - Including from the African Group
- Continued divergences

Pre-Buenos Aires

- Broad grouping of proposals
 - 3 on Maintaining the 1998 Work Programme & structure
 - 2 on Formalising Dedicated Discussion
 - 2 on Establishing a new working group
 - 1 on Establishing a working party for future negotiations
- Varying positions on the moratorium i.e. continuing the practice of not imposing customs duties on electronic transmissions.
- 8 proposals forwarded to MC11

MC11 - Buenos Aires

- Appointment of facilitators - Minister Sarr of Senegal
- Intensive consultations; different configurations; divergent views
- Ministerial Decision (WT/MIN(17)/65)
 - Continue Work Programme – reinvigoration
 - Periodic reviews
 - Extension of moratorium until 2019
 - Indonesia's views on the moratorium

Post MC11

- Work continuing under the multilateral track
- GC Chair consultations on how to reinvigorate work
 - Information sharing; bottom-up approach; etc.
- GC Chair report to May General Council
 - “encouraged by the general willingness to engage” but need “concrete ideas”
- General Council review of progress in July 2018
 - Paper by South Africa and India on the moratorium
 - GC Chair consultations with Members

Current discussions

- Informal Open-ended meeting: 27 November
 - Revenue implications of the moratorium on electronic transmissions;
 - Scope and definition of electronic transmissions;
 - Technical feasibility of imposing customs duties on electronic transmissions;
 - Broader impact of the moratorium on trade and industrialization;
 - Any other issue with respect to the moratorium
- Delegations to share documents/materials

JSI - current discussions

- Joint Statement on E-commerce: Exploring work towards future WTO negotiations
- 7 meetings held since March 2018
- [17] proposals discussed under 4 main themes:
 - A. Enabling Digital Trade/E-commerce
 - B. Openness and Digital Trade/E-commerce
 - C. Trust and Digital Trade/E-commerce
 - D. Cross-cutting issues including development, transparency & cooperation

JSI - current discussions

- July meeting – snapshot document
 - Discussed issues, specific suggestions and examples
- October 31/Nov1 meeting
 - Brazil submission
 - Presentations on FTAs practice
 - Discussion on cross-border data flows
- Online portal: background documents; presentations

E-commerce and development

- Potential of e-commerce and its challenges
- Need for focused action and concerted efforts
 - Infrastructure
 - Internet connectivity
 - Online payments
 - Regulatory frameworks
 - Capacity building
- Cooperation and information sharing
 - CTS agenda item
 - Aid for Trade; eTrade for All; EIF
 - E “readiness” studies (UNCTAD, Commonwealth)

E-commerce and development

- Joint Statement on E-commerce -THEME D:
 - Further liberalization – telecoms; financial sector
 - Adopt Telecommunications Reference Paper
 - Goods – ITA and its expansion
 - Adopting a TFA approach
 - Establishing a work agenda with other IGOs
 - Ensure the availability of technical assistance
 - Consider options for assessing “readiness”

Next steps?

- Work Programme
 - 27 November meeting
 - General Council reviews
 - December 2018 and July 2019
 - Moratorium until December 2019
 - MC12 in Astana (8-11 June 2020)
- Joint statement
 - Continuation of thematic discussion in November
 - Ambassador-level consultations
 - Legal structure
 - Stock-taking in December



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THANK YOU

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