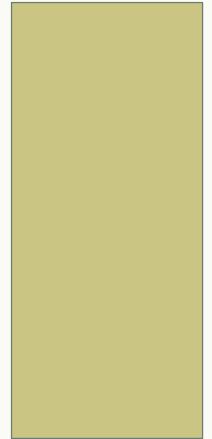


**INTRODUCTION TO THE COURSE ON DIGITAL
COMMERCE AND EMERGING TECHNOLOGIES
DIPLOFOUNDATION, UNCTAD, INTERNATIONAL
TRADE CENTRE (ITC), CUTS INTERNATIONAL
GENEVA, GENEVA INTERNET PLATFORM (GIP),**

UNCTAD ECOMMERCE WEEK, 18 APRIL 2018

**UNDERSTANDING E-COMMERCE ISSUES IN
TRADE AGREEMENTS: A DEVELOPMENT
PERSPECTIVE**

RASHID S. KAUKAB

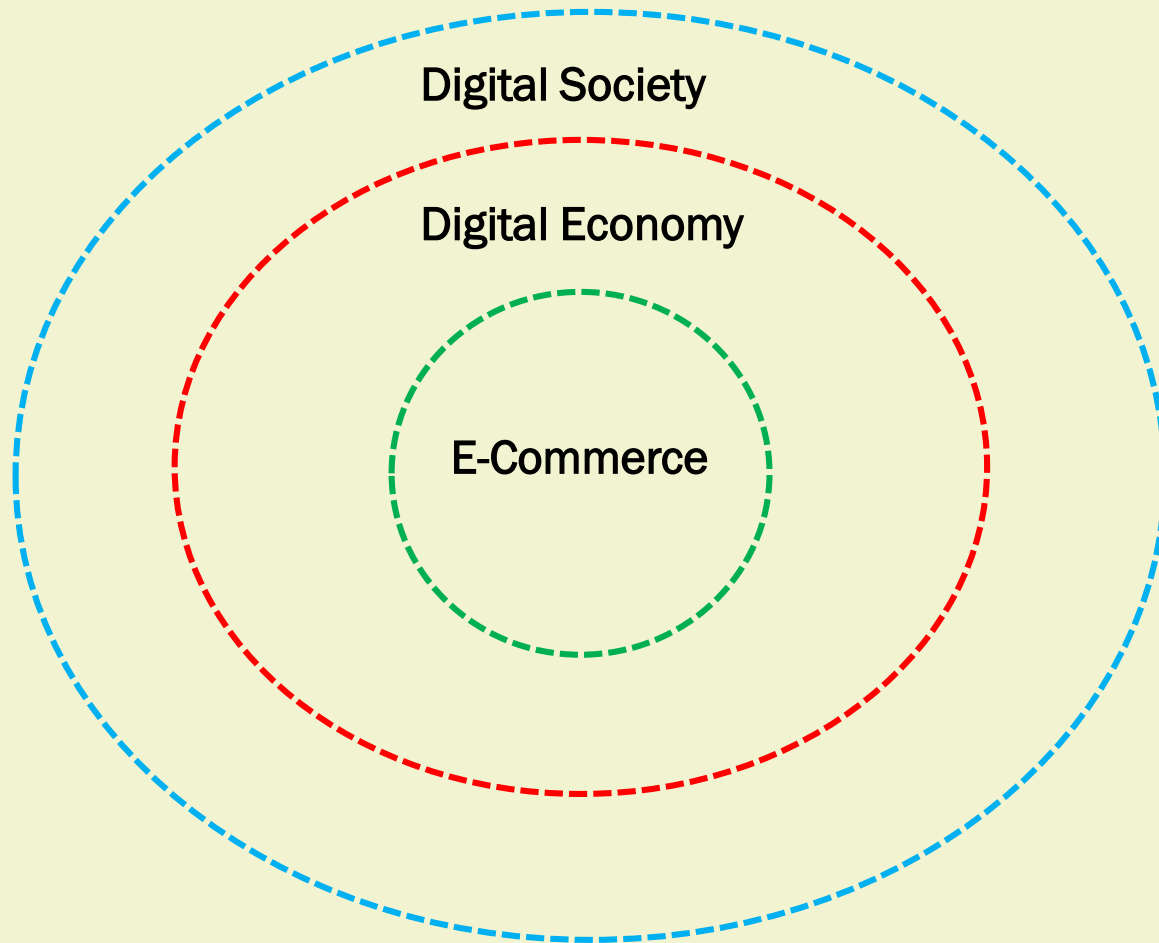


OUTLINE

- E-commerce – beyond definitions
- A possible framework for e-commerce in trade agreements
- E-commerce provisions in RTAs: application of the possible framework
- E-commerce issues in the WTO: application of the possible framework
- Some preliminary conclusions

I. E-COMMERCE BEYOND DEFINITIONS

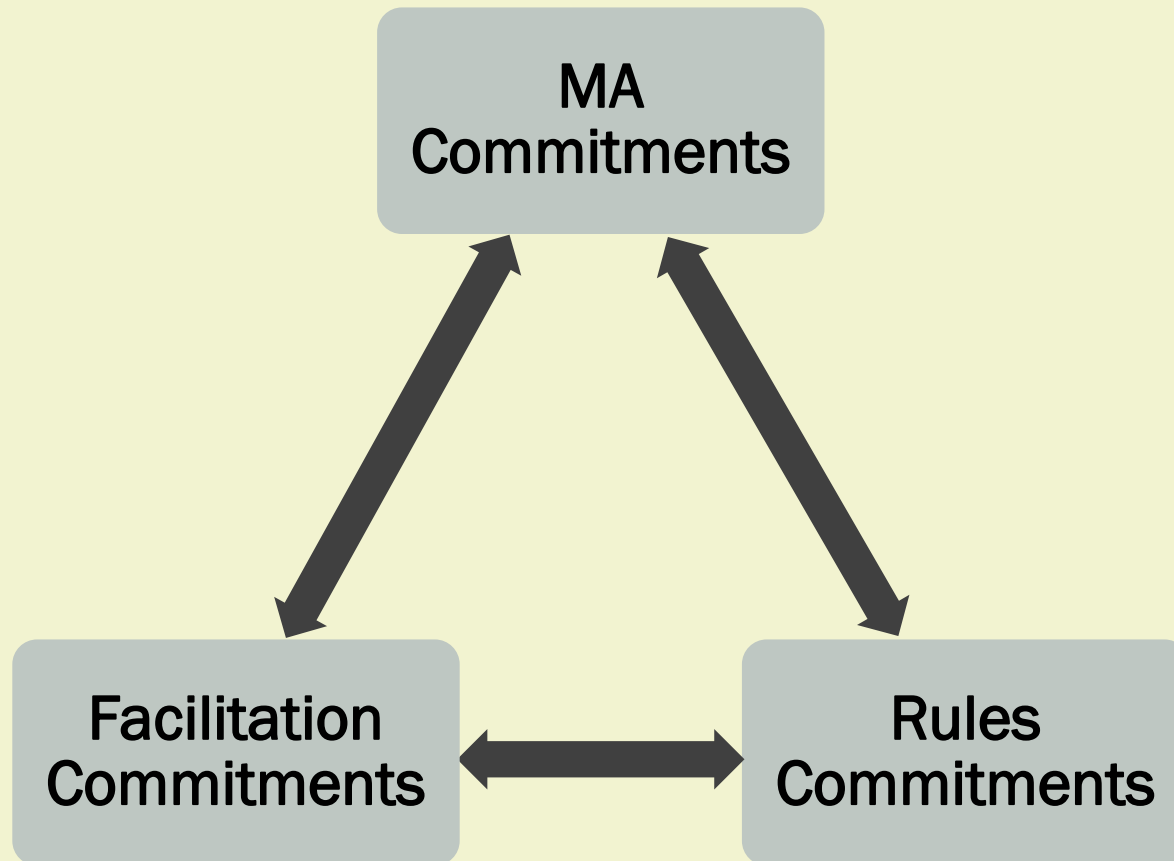
UNDERSTANDING THE CONTEXT OF E-COMMERCE



I. E-COMMERCE BEYOND DEFINITIONS: DATA, AND MOVING TARGET

- The centre of gravity – DATA: collection, access to, storing, processing, use, communication, sale
- The evolving nature - business models: use of platforms, network effect, innovation and technology, ...

II. A POSSIBLE FRAMEWORK FOR E-COMMERCE IN TRADE AGREEMENTS



II: A POSSIBLE FRAMEWORK FOR E-COMMERCE IN TRADE AGREEMENTS

- Provisions/commitments primarily related to market access
customs duties, valuation issues, substitution effect, movement of natural persons, access to data, etc.
- Provisions/commitments primarily related to rules and regulations
intellectual property, protection of personal information, consumer protection, competition, etc.
- Provisions/commitments primarily related to facilitation
paperless trade, e-signatures, digital authentication

III: E-COMMERCE PROVISIONS IN REGIONAL TRADE AGREEMENTS: APPLICATION OF THE POSSIBLE FRAMEWORK

MARKET ACCESS	RULES AND REGULATIONS	FACILITATION
<ul style="list-style-type: none">• Elimination of customs duties• Cross-border data flow and data localisation	<ul style="list-style-type: none">• Consumer protection• Protection of personal information• Intellectual property	<ul style="list-style-type: none">• E-signature and digital authentication• Paperless trade

IV. E-COMMERCE ISSUES IN THE WTO: APPLICATION OF THE POSSIBLE FRAMEWORK

ISSUES PRESENTED IN THE WTO WORK PROGRAMME 1998-2015

MARKET ACCESS	RULES AND REGULATIONS	FACILITATION
<ul style="list-style-type: none"> • Customs duties • Market access for goods • Valuation issues for goods (Customs Valuation Agreement) • Issues arising out of the Agreement on Import Licensing • Access to markets for the products and suppliers of developing countries • Movement of natural persons • Relationship and possible substitution between traditional and e-commerce 	<ul style="list-style-type: none"> • Competition (various aspects including concentration of market power) • Various intellectual property rights (particularly copyright and related rights and trademarks) and transfer of technology • Consumer protection • Transparency • Privacy 	<ul style="list-style-type: none"> • Classification and categorisation issues • Access to infrastructure and technology • Capacity building and technical assistance • New technologies and access to technology • Fiscal implications of e-commerce

IV. E-COMMERCE ISSUES IN THE WTO: APPLICATION OF THE POSSIBLE FRAMEWORK

SOME ISSUES PRESENTED BY DEVELOPING COUNTRIES IN THE WTO WORK PROGRAMME 1998-2015

- Effects of e-commerce on the trade and economic prospects of developing countries, particularly their SMEs
- Enhancing developing country participation in e-commerce
- Access to infrastructure and technology
- Transfer of technology
- Capacity building and technical assistance
- Access to developed countries' markets
- Movement of natural persons
- Fiscal implications of e-commerce

IV. E-COMMERCE ISSUES IN THE WTO: APPLICATION OF THE POSSIBLE FRAMEWORK

ISSUES PRESENTED IN 2016-17

MARKET ACCESS	RULES AND REGULATIONS	FACILITATION
<ul style="list-style-type: none"> • Extension/permanence of moratorium on customs duties • Data flows • Data localisation • Facilitating access to, use of, and data exchange 	<ul style="list-style-type: none"> • Competition issues, particularly for SMEs • Transparency • Access to source code • Network neutrality • Technology transfer • Technical standards • Consumer protection • Privacy and data protection • Cybersecurity 	<ul style="list-style-type: none"> • Paperless trade • Promotion of innovation in trade financing • ICT infrastructure and services • Trade logistics • Payment solutions • E-commerce skills development and technical assistance • Access to financing • E-commerce readiness and strategy • Encryption

IV. E-COMMERCE ISSUES IN THE WTO: APPLICATION OF THE POSSIBLE FRAMEWORK

SOME ISSUES PRESENTED BY DEVELOPING COUNTRIES 2016-17

- Digital integration to be preceded by building national capacities
- E-commerce readiness and strategy: active policies
- Importance of data and “digital rights”
- ICT infrastructure and services
- Extremely high market concentration levels
- Role of WTO and other relevant international organisations
- Trade logistics
- Payment solutions
- Skills development and technical assistance
- Access to financing

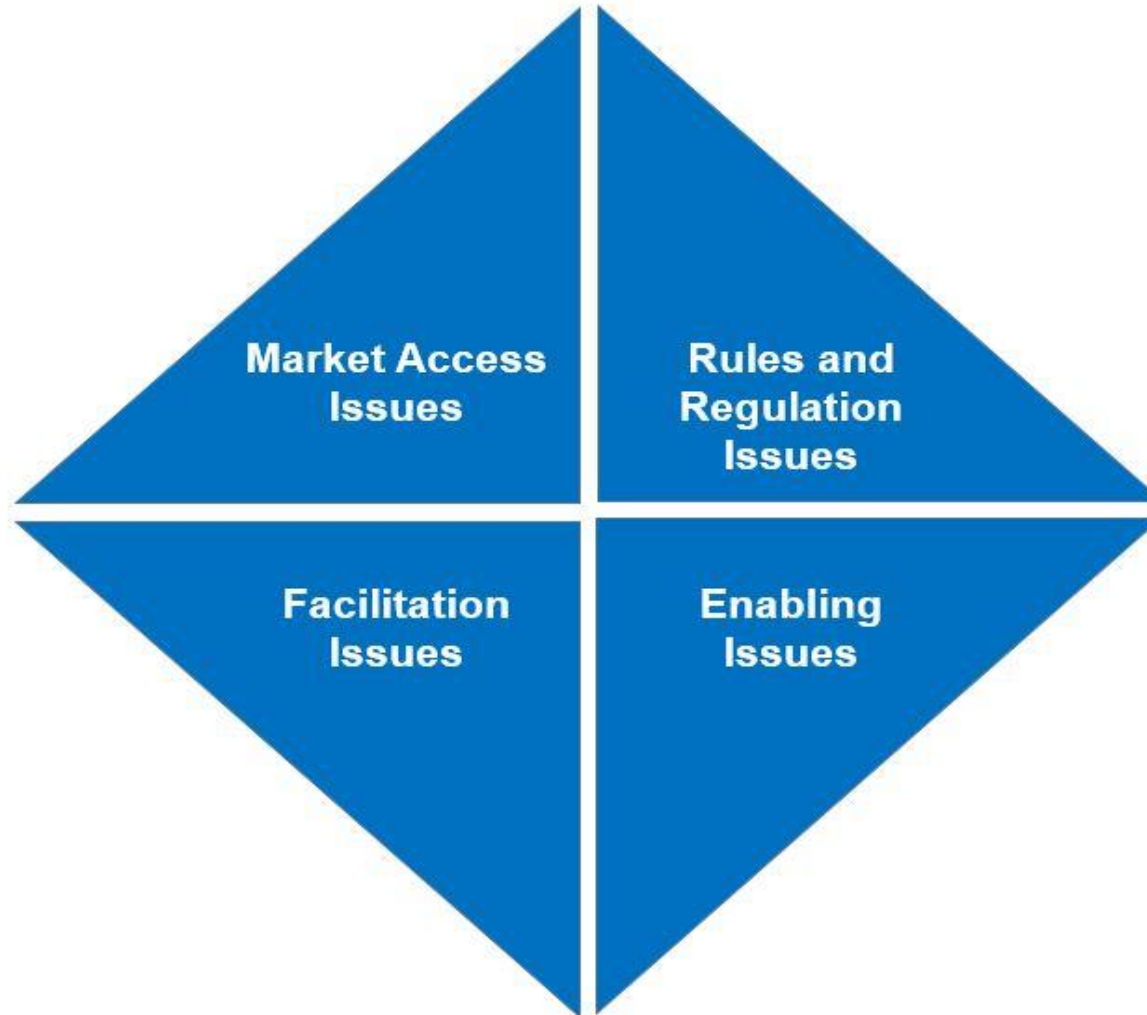
V. SOME PRELIMINARY CONCLUSIONS

A MORE DISAGGREGATED FRAMEWORK MAY BE NEEDED FOR E-COMMERCE

ENABLING ISSUES

- Access to infrastructure and technology
- Capacity building and technical assistance
- New technologies and access to technology
- E-commerce skills development and technical assistance
- E-commerce readiness and strategy: national policies
- International collaboration and role of all relevant international organisations

V. SOME PRELIMINARY CONCLUSIONS NEED FOR A HOLISTIC APPROACH TO E-COMMERCE ISSUES



THANK YOU.

QUESTIONS AND COMMENTS ARE WELCOME