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

MA Commitments

Facilitation Commitments

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

• Provisions/commitments primarily related to market access 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

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<th>MARKET ACCESS</th>
<th>RULES AND REGULATIONS</th>
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<tbody>
<tr>
<td>• Elimination of customs duties</td>
<td>• Consumer protection</td>
<td>• E-signature and digital authentication</td>
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<td>• Cross-border data flow and data localisation</td>
<td>• Protection of personal information</td>
<td>• Paperless trade</td>
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<td>• Intellectual property</td>
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### IV. E-COMMERCE ISSUES IN THE WTO: APPLICATION OF THE POSSIBLE FRAMEWORK

ISSUES PRESENTED IN THE WTO WORK PROGRAMME 1998-2015

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<td>• Customs duties</td>
<td>• Competition (various aspects including concentration of market power)</td>
<td>• Classification and categorisation issues</td>
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<td>• Market access for goods</td>
<td>• Various intellectual property rights (particularly copyright and related rights and trademarks) and transfer of technology</td>
<td>• Access to infrastructure and technology</td>
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<td>• Valuation issues for goods (Customs Valuation Agreement)</td>
<td>• Consumer protection</td>
<td>• Capacity building and technical assistance</td>
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<td>• Issues arising out of the Agreement on Import Licensing</td>
<td>• Transparency</td>
<td>• New technologies and access to technology</td>
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<td>• Access to markets for the products and suppliers of developing countries</td>
<td>• Privacy</td>
<td>• Fiscal implications of e-commerce</td>
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<td>• Movement of natural persons</td>
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<td>• Relationship and possible substitution between traditional and e-commerce</td>
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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
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<td>• Promotion of innovation in trade financing</td>
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<td>• Access to source code</td>
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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