

# **SOME IMPLICATIONS OF SOME PROPOSED ECOMMERCE RULES**



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20 April 2018**

# WHERE ARE ECOMMERCE RULES BEING PROPOSED?

- World Trade Organization (WTO): 164 Members, [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm)
- Comprehensive and Progressive Trans-Pacific Partnership (CPTPP)
  - Signatories: Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Viet Nam
  - Text: <https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-concluded-but-not-in-force/cptpp/comprehensive-and-progressive-agreement-for-trans-pacific-partnership-text/>
- Regional Comprehensive Economic Partnership (RCEP)
  - Countries negotiating: Australia, Canada, Chile, Colombia, Costa Rica, EU, Hong Kong, Iceland, Israel, Japan, Korea, Liechtenstein, Mauritius, Mexico, New Zealand, Norway, Pakistan, Panama, Peru, Switzerland, Taiwan, Turkey and USA.
- European Union Free Trade Agreements (EUFTAs)
  - Those negotiating EUFTAs: [http://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/#\\_being-negotiated](http://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/#_being-negotiated)
  - EU proposals released, <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1395>
- North American Free Trade Agreement (NAFTA) renegotiation: Canada, Mexico, USA
- Trade In Services Agreement (TISA):
  - Countries negotiating: Australia, Canada, Chile, Colombia, Costa Rica, EU, Hong Kong, Iceland, Israel, Japan, Korea, Liechtenstein, Mauritius, Mexico, New Zealand, Norway, Pakistan, Panama, Peru, Switzerland, Taiwan, Turkey and USA.
  - Latest ecommerce chapter text: <http://bilaterals.org/?-mega-regional-ftas->

# SOME OF THE PROPOSED RULES

- Cross-border data flows & restrictions on local servers. Implications for:
  - Privacy
  - Tax records
  - Financial regulation
- Some implications of raising the de minimis:
  - Tariff revenue
  - Industrial policy
  - Trade balance

# SOME OF THE PROPOSED RULES

- Restrictions on transfer/access/disclosure of source code: implications include:
  1. Car safety
  2. Taxation
  3. Medicine manufacturing quality
  4. Financial regulation
  5. Gambling regulation
  6. Criminal law
  7. Government procurement
  8. Investigating and punishing anti-competitive conduct
  9. Anti-discrimination laws
  10. Intellectual property laws
  11. Discovery in other court cases eg breathalyser accuracy, theft
  12. Open source software including in voting machines
  13. Insurance regulation
  14. Medical device (eg pacemaker, insulin pump) safety
  15. Car emissions
  16. Nuclear power stations safety

# SOME OF THE GOVERNMENT MINISTRIES AFFECTED BY THE ECOMMERCE PROPOSALS

1. Ministry of Trade and customs authority
2. Ministry of ICT
3. Ministry responsible for intellectual property
4. Ministry of Finance/financial regulator
5. Ministry of Environment
6. Ministry of Health
7. Ministry of Culture
8. Ministry responsible for competition
9. Ministry responsible for judicial procedure and criminal law
10. Ministry of Industry
11. Ministry of Defence
12. Ministry responsible for power plant security and safety
13. Ministry responsible for stopping discrimination
14. Ministry responsible for government procurement
15. Ministry responsible for regulating gambling
16. Ministry responsible for car safety

# FURTHER INFORMATION

- Implications of WTO ecommerce proposals including on source code etc: [http://www.twn.my/briefings\\_MC11.htm](http://www.twn.my/briefings_MC11.htm)
- Implications of ecommerce rules in mega FTAs: [http://www.eria.org/publications/discussion\\_papers/DP2017-10.html](http://www.eria.org/publications/discussion_papers/DP2017-10.html)
- Implications for agriculture: <http://www.iuf.org/w/?q=node/6049>
- Implications for digital industrial policy: [http://www.itforchange.net/sites/default/files/1468/digital\\_in\\_dustrialisation\\_in\\_developing\\_countries.pdf](http://www.itforchange.net/sites/default/files/1468/digital_in_dustrialisation_in_developing_countries.pdf)
- Implications for MSMEs paper and statement of concern by MSME associations: [www.ourworldisnotforsale.net](http://www.ourworldisnotforsale.net)

Thank you  
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