

General Council
24-25 July 2003

WORK PROGRAMME ON ELECTRONIC COMMERCE

Dedicated Discussions under the auspices of the General Council on Cross-Cutting Issues related to Electronic Commerce

Draft Report to the 24-25 July Meeting of the General Council

1. At the Fourth Session of the Ministerial Conference in Doha, Ministers agreed to continue the Work Programme on Electronic Commerce, and instructed the General Council to consider the most appropriate institutional arrangements for handling the Work Programme and to report on further progress to the Fifth Session of the Ministerial Conference.
2. At its meeting on 15 October 2002 the General Council agreed to maintain, for the duration of the work until the Fifth Ministerial Conference, the institutional arrangements that had been in place for handling the Work Programme, i.e. that the Councils for Trade in Services, Trade in Goods and TRIPS, and the Committee on Trade and Development would examine and report on aspects of electronic commerce relevant to their respective areas of competence, and the General Council would play a central role in the entire process, would keep the Work Programme under continuous review and would consider any trade-related issue of a cross-cutting nature.
3. The present report covers the General Council's examination of cross-cutting issues related to electronic commerce that has been carried out since the Doha Ministerial Declaration in dedicated discussions under the auspices of the General Council. There have been four such meetings on the following dates: 6 May 2002; 25 October 2002; 27 February 2003; 16 May and 11 July 2003.
4. The summaries prepared by the Secretariat of the issues raised at these dedicated discussions are contained in documents WT/GC/W/475, 486, 492 and 505.
5. The following issues were discussed: classification of the content of certain electronic transmissions; development-related issues; fiscal implications of e-commerce; imposition of customs duties on electronic transmissions; competition; jurisdiction and applicable law/other legal issues; general objectives to be applied to the consideration of e-commerce; format for reports on the dedicated discussions.
6. Submissions were considered in the course of these dedicated discussions from the following Members: Japan – Japan's international cooperation on information technology (WT/L/451); Canada – the classification of software delivered electronically (Job No.(02)38); United States – general objectives to be applied to the consideration of e-commerce (WT/GC/W/493); the European Communities – the classification issue (WT/GC/W/497). In addition, the WTO Secretariat submitted a background note on the classification issue (Job No.(02)37).
7. Participants in the dedicated discussions are of the view that the examination of cross-cutting issues related to electronic commerce is not yet complete, and that further work to clarify these issues

is needed. Accordingly, and having regard to paragraph 34 of the Doha Ministerial Declaration, the General Council should consider whether to recommend continuing the examination of all trade-related issues relating to electronic commerce under the ongoing Work Programme on Electronic Commerce with the current institutional arrangements, having the General Council report on further progress to the next Ministerial Session, and maintaining Members' current practice of not imposing customs duties on electronic transmissions until the next Ministerial Session.
