WORLD TRADE ORGANIZATION

JOB/GC/132/Rev.3

6 October 2017

(17-5400)

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General Council

Original: English

ADVANCING WORK ON THE E-COMMERCE WORK PROGRAMME

COMMUNICATION FROM AUSTRALIA; BRUNEI DARUSSALAM; CANADA; COLOMBIA; COSTA RICA; HONG KONG, CHINA; REPUBLIC OF KOREA; LAO PDR; MALAYSIA; REPUBLIC OF MOLDOVA; MYANMAR; NEW ZEALAND; NIGERIA; PANAMA; QATAR; SINGAPORE; SWITZERLAND AND THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

Revision[1]

The following communication, dated 20 September 2017, is being circulated at the request of the delegation of Singapore.

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1.1. Discussions on e-commerce have picked up pace in the WTO since MC10. This is reflected in the 18 papers that have been tabled thus far[2]. These discussions have covered both substance and process issues. Members have been able to share on their priorities for e-commerce, and perspectives on the process to take the discussions forward.

1.2. On substance, Members have spoken on a vast range of issues including, *inter alia*, infrastructure needs, facilitating regulatory framework, transparency, trade facilitation, electronic signatures and authentication, paperless trade, consumer protection, data flows, electronic payments, and sharing of regional experiences. On process, while some discussions took place at the Dedicated Discussion in 2016, most of the discussions since then have been held in the four regular bodies in the Work Programme viz. the Council for Trade in Goods (CTG), Council for Trade in Services (CTS), TRIPS Council and the Committee on Trade and Development (CTD).

1.3. The recent discussions have highlighted the inherent cross-cutting nature of e-commerce. It has been useful in some respects but the siloed nature of the discussions in the respective bodies also makes it difficult to have a holistic understanding of the various e-commerce issues. For example, development issues often overlapped with the conversations under goods, services, and IP, and goods and services issues were often interlinked (e.g. enabling services for trade in goods enabled by the internet, relevance of e-signatures for trade facilitation and also cross-border supply of services). Compartmentalised conversations make it hard to recognise synergies, and hence to make recommendations for a way forward.

1.4. While the General Council is currently tasked to oversee and to take up consideration of any trade-related issue of a cross-cutting nature, it is not a technical forum to discuss the inter-linkages between the issues or delve into any in-depth conversation on e-commerce. The current mechanism of the Dedicated Discussion also remains an informal arrangement, and makes knowledge management challenging as there are no formal records of the meeting.

1.5. The 1998 E-commerce Work Programme sets out the programme of work for the four relevant bodies, with a view towards having these bodies make recommendations to the Ministerial Conference for action. Although useful work has been done, for the reasons raised in the preceding

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[1] This revision is to add Costa Rica as co-sponsor to the submission.
[2] JOB/GC/94, JOB/GC/96, JOB/GC/97, JOB/GC/98, JOB/GC/99, JOB/GC/100, JOB/GC/110, JOB/GC/113, JOB/GC/115, JOB/GC/116, JOB/GC/117, JOB/GC/126, JOB/GC/128, JOB/GC/129, JOB/GC/130, JOB/GC/131, JOB/GC/132 and JOB/GC/133.

paragraphs, there has been limited progress in making recommendations despite nearly 20 years of discussions at the WTO.

1.6. Given that e-commerce is increasingly becoming an important driver of inclusive economic development, it would be useful to have more clarity on how to advance work, how the current process can be improved, what issues to focus on, and how to facilitate Members arriving on concrete recommendations on the way forward.

PROPOSED NEXT STEP FROM NOW TO MC11

1.7. Members should embark on a discussion on how the E-commerce Work Programme could better facilitate more focused work and holistic discussions on e-commerce. Members should reflect and build on the discussions since MC10, and identify possible (i) improvements to processes, and (ii) issues of interest, if any, that they would like to take forward. This could be done on the basis on Members' proposals and ideas. This discussion would be without prejudice to Members' positions on substantive issues related to e-commerce and would not alter the underlying exploratory nature of the Work Programme.

1.8. The outcome of these discussions should be captured in the MC11 Ministerial Decision on E-commerce. Ministers at MC11 should give clear direction for future work in e-commerce, with development at the core, and set out a clear, updated framework/process through which future work could be undertaken.

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