



Council for Trade in Services

WORK PROGRAMME ON ELECTRONIC COMMERCE

**REPORT BY THE CHAIRMAN OF THE COUNCIL FOR TRADE IN SERVICES
TO THE GENERAL COUNCIL**

1.1. Pursuant to the 2017 Ministerial Decision¹ instructing the General Council to hold periodic reviews of work under the Work Programme on Electronic Commerce in its session of December 2018, the Council for Trade in Services agreed on 7 December 2018 that I should report to the General Council, on my own responsibility, regarding work carried out since the most recent report presented on July 2018.

1.2. The Council for Trade in Services discussed the Work Programme on Electronic Commerce at both of its formal meetings, on 12 October and 7 December 2018, in accordance with the Ministerial mandate to continue the work under the Work Programme and endeavour to reinvigorate work by the Members.

1.3. At the October meeting, the United States shared with the Council some of the work being carried out by its development agency to help developing and LDC Members integrate into the digital economy and harness its potential for economic growth, in an attempt to identify possible areas of common interest amongst Members. Australia, the European Union and New Zealand also provided an overview of their experiences with capacity-building efforts aimed at assisting developing countries participate in, and benefit from, the digital economy. China shared with the Council information on its new e-commerce Law, and provided details on some of its main elements.

1.4. Like it had done in October, at the December meeting India drew Members' attention to the communication its delegation and the delegation of South Africa had submitted to the General Council, titled "Moratorium on customs duties on electronic transmissions".² Recalling the position it had expressed at the informal dedicated session of the General Council on 27 November, convened to consider the joint communication, India said that the realities of e-commerce had changed significantly since 1998, when the Moratorium was first agreed, and that the Moratorium's implications needed be re-examined, including on the basis of improved and more comprehensive empirical work. Numerous other delegations referred to their own position on the Moratorium as articulated at the General Council; some also wondered if India intended to engage in a discussion of the issue in the Council for Trade in Services, in addition to the General Council.

1.5. Both at the October and December meetings, some Members referred to issues that they deemed essential for consideration under the Work Programme, particularly those related to the infrastructural and regulatory challenges developing countries had to overcome to participate in the digital economy. While acknowledging the opportunities created by the digital era, some Members were of the view that, until the issues they had identified had been discussed in-depth and clearly understood, rule-making suggestions for e-commerce were premature, asserting, in addition, that the Work Programme did not contain a negotiating mandate.

1.6. Many Members underlined their full engagement and active participation in discussions under the Work Programme. A couple of Members also expressed concern with regard to the plurilateral initiative on e-commerce being pursued in parallel to the multilateral track under the Work Programme. These delegations stated that there was no mandate for this approach, that it ran contrary to the exploratory mandate of the Work Programme, and that they could not support it.

¹ Document WT/L/1032.

² Document WT/GC/W/747.

1.7. At the October meeting, the representative of the ITU shared a report on the ITU's Global Symposium for Regulators on "New regulatory frontiers" held in July 2018.

1.8. The Council for Trade in Services will revert to the Work Programme at its next formal meeting in 2019.
