

## Anders Halvorsen

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**Fra:** Mac Yokozawa(Kyoto Univ.) [m-yokozawa@i.kyoto-u.ac.jp]  
**Sendt:** Thursday, November 05, 2015 10:22 AM  
**Til:** Tim Conway  
**Kopi:** Anders Halvorsen; shivendra@nasscom.in; diane.mievis@digitaleurope.org; Silvia Bidart; kasititorn@nstda.or.th; kasititorn.pooparadai@nectec.or.th; Patrice Chazerand; secretariat@itaphil.com; dmapa@microsoft.com; esanchez@ametic.es; Jim Poisant; Gina.Lang@techUK.org; Julian.David@techUK.org David; jmartinez@es.ibm.com; ITI (Josh S. Kallmer) (jkallmer@itic.org); npvolesky@gov.bm; Rahul Sharma; kawauchijunko@gmail.com; thananum@gmail.com; AMETIC (Antonio Cimorra) (acimorra@ametic.es); info@dsci.in  
**Emne:** Re: REMINDER: Draft WITSA International Trade Statement Update & Nov 4th Call

Dear colleagues,

Thank you for the focused discussion last night regarding our trade issues. Special thanks to Shivendra and NASSCOM colleagues to have shown the style of our reports as well as excellent points to be discussed in WITSA.

Maybe Josh and Ed of ITI will better mention to TPP, but as I tried to make intervention at the last call conference, TPP's final agreement documents has just been disclosed to public today.

Governments were making their lines by their timezones, so New Zealand was the first, then followed by Australia and Japan, to disclose documents on their government websites.

<http://www.mfat.govt.nz/Treaties-and-International-Law/01-Treaties-for-which-NZ-is-Depositary/0-Trans-Pacific-Partnership-Text.php>

In Japan, we will have a meeting tomorrow morning with METI, but we are highly concerned in how items in TPP agreement will have good/bad effect on our business.

Last night, I mentioned several possible concerns in TPP to be reflected in WITSA trade report. Just to clarify and supplement, I made a short list of JISA's quick interests to be noted in TPP's final agreement documents. (specially, but not limited to)

- Chapter 1, Article 1.2: Relation to Other Agreements (e.g. WTO)

- Chapter 9, Article 9.9 1 (f) (g) (h) (i) No special requirements in transfer of technology, service and intellectual properties
- Chapter 12. Temporary entry for business persons
- Chapter 13. Telecommunications
- Chapter 14. Electronic Commerce
  - Article 14.4: Non-Discriminatory Treatment of Digital Products
  - Article 14.7: Online Consumer Protection
  - Article 14.8: Personal Information Protection
  - Article 14.11: Cross-Border Transfer of Information by Electronic Means
  - Article 14.13: Location of Computing Facilities
  - Article 14.17: Source Code (NCM)
- Chapter 18. Intellectual Property

Hope this helps make clear message and these items are considered to be mentioned in a list of common concerns from business.

Best regards,  
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On Wed, Nov 4, 2015 at 12:42 PM, Tim Conway <[tim.conway@c-metrics.com](mailto:tim.conway@c-metrics.com)> wrote:  
Dear Colleagues

I have read the comments from AMETIC on the current draft of the WITSA Statement of Policy on International Trade (v12Oct) with both confusion and some concern. These are set out below:

1. The AMETIC statement seems clearly to reject the notion of *multilateral* trade liberalisation, and the role of the WTO in this regard, favouring *bilateral* and *regional* trade agreements, without bringing forward any evidence to support these assertions. I also note the AMETIC position seems at odds with the policy position of DigitalEurope – unless this has changed recently.

2. On the face of it, the AMETIC comments suggest some confusion regarding the ends and means of trade liberalisation, which may be a simple language issue.
3. Equally, it may be there is confusion regarding the role and performance of the WTO, relative to the broad trade policy objective of trade liberalisation, and the means by which this may best be achieved. There is no doubt the performance of the WTO has become severely bogged down in recent years, with extensive delays in negotiations, and a telling lack of substantive outcomes. In part, the current WITSA draft intends to highlight this problem, and one of its calls to action is for WITSA members to encourage their governments to recommit to the WTO process.
4. WITSA's support for multilateralism is fundamental, and longstanding. This is because of specific ICT industry and general business support for the established policy principles underpinning multilateral trade liberalisation, which the WTO promotes. These are set out quite clearly in the current draft: "most favoured nation" (MFN), "national treatment" (NT), along with the negotiating neutrality, trade rules and adjudication provided within the WTO structure and frameworks.
5. The WTO (and its predecessor, the GATT) was established to create precisely this negotiating environment and rules-based process specifically to overcome problems of bilateral and regional negotiating inequity and lack of transparency (asymmetries of power and knowledge) that existed hitherto. There is no evidence to suggest these will not emerge again; indeed, they have, in many of the current bilateral and regional negotiations currently underway (examples include tensions about IP arrangements in the TPP negotiations), government procurement access, and dispute settlement arrangements in recent bilaterals.
6. It is equally important to note that, far from promoting "*an open global economy that is both sustainable and respects the social, labor and political basics each region is willing to preserve*" that AMETIC seeks as an outcome, these bilateral and regional agreements are actually discriminatory and clearly preferential in respect of members versus non-members, or within the agreement. Unchecked, this may create trade (and wealth) imbalances that impede global sustainability, and economic, social, labour and political instability.
7. None of this to say that WITSA supports multilateral trade liberalisation and nothing else. Rather that where bilateral and regional trade liberalisation is attempted, it should be intentionally based around the multilateral principles established within the WTO, that the negotiations and subsequent agreements should be open and transparent, embodying MFN and NT. Indeed, the "first-best" approach to trade liberalisation that WITSA members should encourage their governments to undertake is *unilateral liberalisation* – remove domestic regulations that create barriers to trade and information flows within and beyond their national boundaries. Sadly, this is all too often rejected out of hand by governments, based on fears of a loss of power in trade negotiations, regardless of evidence that countries that have undertaken these reforms have achieved striking economic progress.
8. I do agree that in relation to the ICT sector, key issues around data privacy and protection, and data security are making trade negotiations even more complex, and hence must be included in the initial agenda for trade liberalisation, regardless of the basis upon which this is undertaken.

Naturally, I'm happy to discuss this during our telephone conference call on Wednesday.

Best regards

Tim Conway

Representative of the Australian Information Industry Association

Member of the WITSA Board of Directors

On 3 Nov 2015, at 8:52 AM, Anders Halvorsen <[ahalvorsen@witsa.org](mailto:ahalvorsen@witsa.org)> wrote:

November 2, 2015

TO: Members of the WITSA Working Group on International Trade  
FR: Anders Halvorsen, VP Administration  
RE: **REMINDER: Draft WITSA International Trade Statement Update & Nov 4th Call**

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Dear Colleagues,

This is a gentle reminder that we are looking forward to speaking with you on Wednesday, November 4<sup>th</sup> 7:00am ET (see detailed call-in and time-zone conversions below). Please also see attached a set of comments from AMETIC, our member from Spain. Mr. Cimorra's message is also included below for discussion on our call.

Kindly let me know if you will be able to make this call. We are looking forward to speaking with you on the 4<sup>th</sup>.

Best regards,  
Anders

**Fra:** Antonio Cimorra [<mailto:acimorra@ametic.es>]

**Sendt:** Monday, November 02, 2015 12:18 PM

**Til:** Anders Halvorsen

**Kopi:** [jmartinez@es.ibm.com](mailto:jmartinez@es.ibm.com); Eduardo Sánchez

**Emne:** RE: [FOR REVIEW] Draft WITSA International Trade Statement Update & Nov 4th Call

Dear Anders,

Find attached AMETIC's position regarding the international trade draft WITSA statement you sent us few days ago.

As you can see, AMETIC does not support this statement, according to the arguments related in the attached file.

I regret to inform you that we are not going to be able to participate in the call on November 4th to discuss this matter. Nevertheless, if you want we (Jesus Martínez Ons and me) could have a call with you tomorrow Tuesday, at 5:00 p.m. (Madrid time) to talk about our position.

Waiting to hear from you.

Kind regards,

**Antonio Cimorra**  
**Director de Tecnologías de la Información,**  
**Desarrollo de la Economía Digital y Estudios**

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October 19, 2015

TO: Members of the WITSA Working Group on International Trade  
FR: Anders Halvorsen, VP Administration  
RE: **[FOR REVIEW] Draft WITSA International Trade Statement Update & Nov 4th Call**

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Dear Colleagues,

I am very pleased to announce that we have a draft update to the WITSA Statement on International Trade in Goods and Services which is now available for your review at [http://witsa.org/witsa-wp-site/wp-content/uploads/2015/05/WITSA Statement of Policy on International Trade 2015-update v12th-Oct.docx](http://witsa.org/witsa-wp-site/wp-content/uploads/2015/05/WITSA_Statement_of_Policy_on_International_Trade_2015-update_v12th-Oct.docx). Please note that this adds two new sections regarding the importance of free flow of human talent across international boundaries, Net neutrality and the start-up eco-system. The draft also brings other sections of the paper up to date (e.g. TPP).

Kindly review and send me any edits in redline at [ahalvorsen@witsa.org](mailto:ahalvorsen@witsa.org) as soon as possible. We would also appreciate your participation in a brief call on November 4<sup>th</sup> to discuss (and hopefully finalize) the draft. Kindly let me know if you are available at this time and be sure to send any comments prior to this date:

UTC-time	Washington DC	Buenos Aires	Hamilton	Brussels	New Delhi	Bangkok	Tokyo	Canberra
Wednesday, November 4, 2015 at 12:00:00	Wed 7:00 AM	Wed 9:00 AM	Wed 8:00 AM	Wed 1:00 PM	Wed 5:30 PM	Wed 7:00 PM	Wed 9:00 PM	Wed 11:00 PM *

\*means the place/city is observing [daylight saving time \(DST\)](#) at time shown

1. Please join the meeting at <https://global.gotomeeting.com/join/710577533> (Use your microphone and speakers (VoIP) - a headset is recommended)

2. . Or, call in using your telephone:

United States: [+1 \(669\) 224-3319](tel:+16692243319)

Australia: [+61 2 9091 7603](tel:+61290917603)

Belgium: +32 (0) 28 08 4372

Spain: [+34 931 76 1534](tel:+34931761534)

United Kingdom: [+44 \(0\) 20 3713 5011](tel:+4402037135011)

Access Code: 710-577-533

For additional information regarding our Working Group on International Trade, please see our members-only link at <http://witsa.org/witsa-wp-site/working-group-on-international-trade-2/>(password: witsa123).

Thank you very much again for participating in our international trade working group and look forward to talking with you soon.

Best regards,  
Anders

Anders Halvorsen  
Vice President, Administration

**World Information Technology and Services Alliance (WITSA)**  
*"Fulfilling the Promise of the Digital Age"*

<image001.jpg>

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<30102015\_AMETIC position on WTO document from WITSA.DOCX>

**Tim Conway**  
Director



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