

Anders Halvorsen

Fra: Tim Conway [tim.conway@c-metrics.com]
Sendt: Wednesday, November 04, 2015 7:07 AM
Til: Jesus Martinez Ons; Anders Halvorsen; Jim Poisant; shivendra@nasscom.in
Kopi: AMETIC (Antonio Cimorra) (acimorra@ametic.es)
Emne: Re: REMINDER: Draft WITSA International Trade Statement Update & Nov 4th Call

Thank you for your response, Jesus

I will pass it on to Anders for circulation.

I understand the position of AMETIC regarding the TTIP, and I do not think it is the case, nor is it WITSA's role, to prevent that from happening. WITSA establishes policy principles, not mandatory statements, to which its members must adhere. As such, these policy principles are perhaps best described as statements of good practice. Individual circumstances will always arise that mean a different approach is more appropriate. In the case of the TTIP, it is a negotiation between two major trading blocs, meaning symmetry of power and knowledge, as well as plurilateral in coverage. As you note, there are additional complexities around issues such as data privacy and protection — heightened by the loss of Safe Harbour provisions; the WTO is not best placed currently as the forum for such negotiations, so pragmatism might apply. This is quite different to the case of, for example, the recently-concluded TPP Agreement, the details of which we await but have concerns because in some cases they will extend regulation in some countries where previously a light touch prevailed, including potentially the flow of data across borders.

I think we differ on the issue of principle vs pragmatism. In any case, this will provoke some thoughtful discussion.

Best regards

Tim

On 4 Nov 2015, at 8:10 PM, Jesus Martinez Ons <jmartinez@es.ibm.com> wrote:

Tim, I will not be able join the call, because I will be attending to an event where I represent my Company and we have the King of Spain there, and I have to be there, so no chances to make it.

From the AMETIC perspective, we fully agree in having, as you state below : 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".

But the basics of our response are: We do agree with economy liberalization principles applicable to international trade as established by WTO. We believe the main role of WTO is precisely to set up these principles to be taken into consideration in all international trade negotiations.

but the draft document, as released by WITSA , clearly states a position against bilateral agreements like TTIP (an agreement we closely following and pushing for it to succeed).

Now the question for all of us is : Is the lack of performance of WTO you mention below driven by lack of support of State Governments of WTO trade liberalization principles and/or lack of recognition of its leadership to drive trade agreements to be developed and conclude?, or is the lack of performance of WTO driven by complexity of these agreements , that should take into consideration much more dimensions of the reality of each of the regions, and because of their complexity **we cannot have a international trade framework that "fits for everyone"?**

We believe the path for setting global international trade principles is to develop bilateral key agreements like TTIP, taking into consideration WTO principles, but also recognizing the complexity, the collateral implications at all levels for the economy and society of the incumbent regions, WTO will never drive negotiations at the level, intensity and complexity current TTIP negotiations are being done. , if they address them from a global perspective, trying to maintain a theoretical global balanced approach that is much more a "good will" than a pragmatic approach.

Bottom line, we cannot endorse a document that questions the TTIP approach when we, as a CIT Association within a Member State of the EU , are doing our best to push it to become a global reference of what trade agreements should be..... and a declaration against bilateral agreements we see in the WITSA document plus stating that key elements like data privacy and protection, data flows (and we are facing the issue of Safe Harbor suspension by an European Court) , or other key items that are behind the social contestation to TTIP (use of transgenics, labour legislation, access to public tenders ,etc) can be managed in parallel but outside of the main framework of the trade agreement is something we do not agree with.

Saludos/ Best regards.

Jesus Martinez Ons

Director de Relaciones Institucionales
Government and Regulatory Affairs Executive
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Find me on: [<Mail Attachment.jpeg>](#) [<Mail Attachment.jpeg>](#)

<Mail Attachment.gif>

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Date: 04-11-15 04:43
Subject: Re: REMINDER: Draft WITSA International Trade Statement Update & Nov 4th Call

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> 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

Dear Colleagues,

This is a gentle reminder that we are looking forward to speaking with you on Wednesday, November 4th 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 4th.

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; 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**

Telf: 91 411 25 65

acimorra@ametic.es

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**

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. 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 as soon as possible. We would also appreciate your participation in a brief call on November 4th 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	<u>Washington DC</u>	<u>Buenos Aires</u>	<u>Hamilton</u>	<u>Brussels</u>	<u>New Delhi</u>	<u>Bangkok</u>	<u>Tokyo</u>	<u>Canberra</u>
<u>Wednesday, November 4, 2015 at 12:00:00</u>	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:

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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"

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

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