

Anders Halvorsen

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Sendt: Wednesday, May 13, 2015 10:33 PM
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Emne: [URGENT] International Trade WG call Summary and Input Requested by May 15th
Viktighet: Høy

May 13, 2015

TO: Members of the WITSA Working Group on International Trade
FR: Anders Halvorsen, VP Administration
RE: **[URGENT] International Trade WG call Summary and Input Requested by May 15th**

Dear Colleagues,

Thank you very much to everyone who participated in today's call of the WITSA Working Group on International Trade. Please see a summary of the call below. As Mr. Shivendra Singh noted on the call, **you are kindly requested to forward by COB this Friday, May 15th any specific suggestions for global trade principles** which can be incorporated into an updated version of WITSA's 2013 international trade paper (e.g. related to regional and bilateral trade negotiations, Net Neutrality, trade and investment; ref. below). Members are also requested to forward they suggestions for the most important institutions, governments, organizations and other **stakeholders** that would be important recipients of an updated Principles paper later this year.

Each of the WITSA Working Groups will present its findings at the May 21st WITSA Global Policy Action Committee (GPAC) meeting at the Center for Innovative Technology (CIT) in Herndon, Virginia (ref. <http://witsa.org/herndon2015/>).

Best regards,
Anders

WITSA Working Group on International Trade – Wednesday, May 13, 2015

Attendees:

Mr. Shivendra Singh, NASSCOM (India) – Chair
Dr. Silvia Bidart, CESSI (Argentina)
Dr. Makoto Yokozawa, JISA (Japan)
Mr. Dondi Mapa, ITAP (Philippines)
Mr. Eduardo Sánchez, AMETIC (Spain)
Mr. Patrice Chazerand, DIGITALEUROPE (Belgium)

Call Summary:

Shivendra welcomed everyone and Anders did a roll call. Anders referred to the summary of the previous call, which had been circulated to the group. During the last call, the September 2014 WITSA Statement of Policy on international Trade in ICT Goods and Services had been discussed in some detail and it was noted that it contained several general policy principles related to International trade:

- *MFN*, the most-favored-nation principle, treating all trading nations equally, such that there is no discrimination between trading partners;
- *National treatment*, imported and locally produced goods are to be treated equally in a nation's markets, especially in relation to non-tariff issues. This applies to foreign and domestic services, and to foreign and local intellectual property, such as trademarks, copyrights and patents;
- *Reciprocity*, which ensures all the gains from trade are realized by each nation reducing protection in return for similar reductions by other nations; and
- *Uniformity*, meaning these principles and treatments apply to all forms and modes of trade, and all products.
- *Binding and enforceable commitments*, which are comprehensively enumerated by each country;
- *A rules-based system*, which binds nations to maintain their trade commitments as set out in the agreements to which they have acceded; and
- *A dispute settlement mechanism* that facilitates timely, effective and enforceable resolution of trade rule breaches, according to broad legal principles.

However, there were a few key areas where the paper could expand upon, notably:

How to address the current trade environment, with focus on the ongoing regional trade negotiations (such as the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP)) as well as bilateral free trade agreements. The 2013 paper mainly addressed the multilateral trade environment, including the WTO (Trade in Services Agreement, ITA).

Patrice Chazerand mentioned that DIGITALEUROPE had been advocating sound internationally recognized trade principles in the ongoing EU-Japan Free Trade Agreement talks (ref. <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1168>) and believed that there may be an opportunity for WITSA to incorporate such principles into an update of the 2013 paper. Mr. Chazerand agreed to forward any relevant material which can be considered in this context.

Another area that should be considered, as discussed on the previous call, was Net Neutrality. Mr. Chazerand added that the EU was currently addressing this issue.

Another trade priority for DIGITALEUROPE was international trade and investment and a reference was made to the World Economic Forum's Global Challenge Partnership on international Trade and Investment (posted along with other research shared by the group at <http://witsa.org/witsa-wp-site/working-group-on-international-trade-2/> (password: witsa123)).

Silvia Bidart added that the working group should also consider incorporating capacity building and suggested that WITSA's new partner, UNCTAD, may be a good source for mapping trade barriers.

ACTION: Shivendra requested that all members circulate any additional input, including suggestions for new trade principles as well as key stakeholders to Anders Halvorsen no later than COB this Friday, May 15th. This input would then be presented at the May 21 Global Policy Action Committee (GPAC) meeting in Herndon, Virginia for further

discussion. WITSA Public Policy Chairman Mr. R. Chandrashekar is slated to report on the progress of each working group at the May 22 Board meeting.

Shivendra thanked everyone for their valuable contributions and looked forward to receiving their input by May 15th.

May 11, 2015

TO: Members of the WITSA Working Group on International Trade
FR: Anders Halvorsen, VP Administration
RE: **International Trade WG call May 13 [Participation Requested]**

Dear Colleagues,

We kindly request your participation in a call this Wednesday, May 13th at 8:00am EDT in order to discuss and determine a draft set of WITSA international trade principles. A summary of our previous call is provided below for your information. As you may know, WITSA will have its next Global Policy Action Committee (GPAC) meeting in Herndon, Virginia on May 21st and it is our intention to present and further discuss draft principles at this meeting. The call this week is important and your participation will be much appreciated.

Once approved, the principles will be incorporated into a WITSA statement to be published later this year. The call-in information is as follows:

UTC-time	Washington DC	Buenos Aires	Hamilton	Brussels	New Delhi	Bangkok	Tokyo	Canberra
Wednesday, May 13, 2015 at 12:00:00	Wed 8:00 AM *	Wed 9:00 AM	Wed 9:00 AM *	Wed 2:00 PM *	Wed 5:30 PM	Wed 7:00 PM	Wed 9:00 PM	Wed 10:00 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/352236021> (Use your microphone and speakers (VoIP) - a headset is recommended)

2. Or, call in using your telephone.

United States: +1 (312) 757-3126

Australia: +61 2 9087 3604

Belgium: +32 (0) 28 93 7018

Spain: +34 911 23 0850

United Kingdom: +44 (0) 20 3713 5028

Access Code: 352-236-021

In preparation for the call, I have posted the current research and material made available by the working group this far at <http://witsa.org/witsa-wp-site/working-group-on-international-trade-2/> (password: witsa123). I am also including below the general trade principles published in our September 2013 WITSA statement of Policy on international Trade in ICT Goods and Services for discussion on the call (ref.

http://www.witsa.org/saopaulo2013/WITSA_Statement_of_Policy_on_International_Trade_Sept2013.pdf):

General Principles

In order to fulfill the promise of the Digital Age, all nations, governments, businesses, organizations and citizens need access to ICT goods and services, and to be able to access, or distribute, digitized information at world competitive prices. This means free trade in ICT goods and services, with level playing fields in all markets.

As a fundamental principle of public policy, WITSA therefore supports continuing broad based, multilateral trade liberalization, negotiated under the auspices of the WTO.

Key elements of this approach are its openness, transparency, and non-discriminatory underpinnings, comprising:

- *MFN*, the most-favored-nation principle, treating all trading nations equally, such that there is no discrimination between trading partners;
- *National treatment*, imported and locally produced goods are to be treated equally in a nation's markets, especially in relation to non-tariff issues. This applies to foreign and domestic services, and to foreign and local intellectual property, such as trademarks, copyrights and patents;
- *Reciprocity*, which ensures all the gains from trade are realized by each nation reducing protection in return for similar reductions by other nations; and
- *Uniformity*, meaning these principles and treatments apply to all forms and modes of trade, and all products.

To be effective in achieving its goals and outcomes, the multilateral trade liberalization approach of the WTO depends upon nations agreeing and acceding to

- *Binding and enforceable commitments*, which are comprehensively enumerated by each country;
- *A rules-based system*, which binds nations to maintain their trade commitments as set out in the agreements to which they have acceded; and
- *A dispute settlement mechanism* that facilitates timely, effective and enforceable resolution of trade rule breaches, according to broad legal principles.

I am looking forward to talking with you all on Wednesday.

Best regards,
Anders

WITSA Working Group on International Trade – Thursday, April 23, 2015

Attendees:

Mr. Shivendra Singh, NASSCOM (India) – Chair
Mr. Tim Conway, AIIA (Australia)
Dr. Silvia Bidart, CESSI (Argentina)
Dr. Kasitorn Pooparadai, ATCI (Thailand)
Dr. Makoto Yokozawa, JISA (Japan)
Ms. Junko Kawauchi, JISA (Japan)
Dr. Jim Poisant, WITSA
Mr. Anders Halvorsen, WITSA

Call Summary:

Shivendra welcomed everyone and explained the objectives of the call. He referenced the working group template which had been circulated by Anders Halvorsen, and which included a draft timeline. Once an assessment of issues and background had been made, draft principles drafted and key stakeholders identified, a paper would be drafted by the

working group, which, once finalized, would be presented to the Global Policy Action Committee for review and then to the Board of Directors for approval.

It was noted that WITSA had published a Statement of Policy on International Trade in ICT Goods and Services in September 2013 (ref.

[http://www.witsa.org/saopaulo2013/WITSA Statement of Policy on International Trade Sept2013.pdf](http://www.witsa.org/saopaulo2013/WITSA%20Statement%20of%20Policy%20on%20International%20Trade%20Sept2013.pdf)). This paper, which had been drafted by Tim Conway, addressed the importance of multilateral trade agreements, identified shortcomings, took a critical view of bilateral and regional trade initiatives (as they are, by definition, exclusionary) and established a set of global trade principles. It would be the objective of this working group to review WITSA's existing principles and consider (a) updates to these and (b) any other trade concerns not covered by the 2013 paper.

Shivendra asked the participants to identify top issues that should be covered by the working group. Tim suggested that, while the 2013 WITSA paper had taken an "anti-balkanization" approach to trade, the current landscape was dominated by bilateral and regional trade initiatives, such as the Transatlantic Trade and Investment Partnership (TTIP) - a trade agreement to be negotiated between the European Union and the United States - and the Trans-Pacific Partnership (TPP) - a proposed regional regulatory and investment treaty. WITSA should therefore consider developing policy principles which reflect today's actual trade environment. Tim noted that the WTO Doha Round of Multilateral Trade Negotiations was dead and the effort to negotiate a separate WTO Trade in Services Agreement (TISA) had stalled (though an expansion of the plurilateral Information Technology Agreement (ITA) on the abolishment of tariffs on IT products was still on the table). Another area that WITSA should consider is cross-border data flows and international trade. Despite the growing significance of the Internet for international trade, governments are restricting the Internet in ways that reduce the ability of businesses and entrepreneurs to use the Internet as a place for international commerce and limits the access of consumers to goods and services. WITSA should discuss the importance of the Internet and cross-border data flows for international trade and propose steps that governments should take to apply existing international trade rules and norms and identify where new trade rules are required to further support the Internet and cross-border data flows as drivers of international commerce and trade.

Professor Yokozawa stressed that any policy principles developed by WITSA should be global in nature. Nevertheless, WITSA should consider how to deal with the key regional agreements currently being negotiated. Dr. Yokozawa also agreed that the free flow of information across borders was a top priority but added that efforts must be made to avoid duplication with the work currently being undertaken by other WITSA working groups; notably the Working Group on Restrictions of the free flow of information across nationality/regional borders and the Working Group on Security, Privacy and Data Protection.

Dr. Kasitorn encouraged the working group to consider trade barriers related to the digital content industry.

Dr. Bidart mentioned the negative effects of double taxation in many countries around the world, and the taxation of imports of information services. This is an important issue. It is also one that will have additional conflicts arising through, for example, the OECD work on global taxation. WITSA should consider how best to address this from a global industry perspective as well.

The following actions were agreed on the call:

Action: Working Group members will review the WITSA 2013 paper and identify where the gaps are; what needs to be updated. An assessment of ongoing trade initiatives in all regions should be made.

Action: Members will circulate research that identifies trade barriers of concern. Members should take care to look at issues not exclusively from a top-down angle, but consider how businesses, notably SMEs, are affected by emerging barriers (bottom-up approach).

Action: Anders to keep a repository of all data circulated

Next steps

Members will assess the material circulated and reconvene for another call at 8:00am EDT on May 7th.