



**Asia-Pacific  
Economic Cooperation**

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Agenda Item: IV.i.b

**Presentation – Assessment of Capacity Building  
Needs to Support WTO Negotiation on Trade  
Related Aspects of E-Commerce**

Purpose: Information

Submitted by: Japan; Policy Support Unit, APEC Secretariat



**First Committee on Trade and Investment  
Meeting  
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# Assessment of capacity building needs to support WTO negotiation on trade-related aspects of e-commerce

Andre Wirjo

Analyst, APEC Policy Support Unit  
aw13@apec.org

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**Advancing** Free Trade  
for Asia-Pacific **Prosperity**



# Two complementary components

## Database of relevant laws and regulations

- Provides a snapshot of where members are on areas with implications on e-commerce.
- Understands variation in situations and approaches pertaining to these areas.

## Case studies

- Captures in more details approaches by economies to promote e-commerce.
- Showcases examples of specific laws, regulations and initiatives that could facilitate or affect e-commerce.



# Database of laws and regulations

## Overview

- 6 focus areas

**A. Electronic transactions framework**

**B. Openness and cross-border related issues**

**C. Consumer protection and privacy issues**

**D. Cybersecurity/ network security**

**E. Infrastructure-related aspects**

**F. Market access**

- Database for all 21 economies
- Analysis of economies' laws and regulations across focus areas

# Database of laws and regulations

## Selected observations

### **Focus Area A – Electronic transactions framework**

- Although many economies have electronic payment (e-payment) laws and regulations, interpretation of e-payments varies.

### **Focus Area B – Openness and cross-border related issues**

- Different conditions under which data exports of personal data can occur and/or are allowed among economies, although some are part of international/regional frameworks that regulate or facilitate cross-border data transfers.

### **Focus Area C – Consumer protection and privacy issues**

- Most economies have introduced laws on data privacy and protection, but they differ in terms of what is defined as personal information.

# Database of laws and regulations

## Selected observations

### **Focus Area D – Cybersecurity/network security**

- Different economies have cybercrime legal frameworks embedded in their criminal laws. Additionally, some economies have laws and regulations that are specific to cybercrime. However, not many economies have cybersecurity laws to deal with a larger set of issues.

### **Focus Area E – Infrastructure-related aspects**

- Although all economies had adopted the Telecommunications Reference Paper, some have adopted a modified/reduced version, even as others have adopted additional commitments.

### **Focus Area F – Market access**

- Although most economies have joined the WTO Information Technology Agreement (ITA), a few economies have put in place regulations pertaining to encryption and other aspects such as those requiring licensing of electronic/IT products.



# Case studies

## Overview

- Comprises of case studies from 11 economies.
- Examples of case studies:

<b>A. Electronic transactions framework</b>	<ul style="list-style-type: none"><li>• <b>China (E-commerce Law)</b></li><li>• <b>Chinese Taipei (Electronic Signatures Law)</b></li><li>• <b>Thailand (PromptPay)</b></li></ul>
<b>B. Openness and cross-border related issues</b>	<ul style="list-style-type: none"><li>• <b>Australia (Data portability and open banking)</b></li><li>• <b>The Philippines (IPR enforcement and ISP liability)</b></li></ul>
<b>C. Consumer protection and privacy issues</b>	<ul style="list-style-type: none"><li>• <b>Japan (Cross-border online dispute resolution)</b></li></ul>
<b>D. Cybersecurity/network security</b>	<ul style="list-style-type: none"><li>• <b>Chile (Cybersecurity strategy)</b></li><li>• <b>United States (Cybersecurity policy)</b></li></ul>
<b>E. Infrastructure-related aspects</b>	<ul style="list-style-type: none"><li>• <b>Korea (Universal broadband access)</b></li><li>• <b>Mexico (Competition in telecommunications)</b></li></ul>



# Case studies

## Selected observations

- The importance of international engagements and adoption of international standards in promoting platform interoperability.
- The importance of cross-agency collaboration and public-private cooperation in combating online IPR infringement.
- The role of an online dispute resolution mechanism in increasing access to consumer justice.
- The value of working with the private sector on cybersecurity.
- The importance of consistent long-term planning and carefully calibrated policies, including those facilitating the use of TV white space (TVWS) and cloud computing in bridging the digital divide.



# Capacity building needs

## Possible themes

1. Encouraging the adoption of international standards, practices, guidelines and recommendations in economies' laws and regulations.
2. Improving mutual recognition and interoperability among the laws, regulations and initiatives.
3. Strengthening international cooperation with regards to specific aspects of e-commerce.
4. Instituting new approaches to regulations, including the use of technology to facilitate process.
5. Ensuring that laws, regulations and initiatives are practical, reasonable and can be operationalized efficiently.



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