

Letter regarding WTO JSI E-Commerce Negotiations

The undersigned organisations applaud the participating countries in the WTO Joint Statement Initiative (JSI) negotiations for their commitment to developing a framework of trade rules to unlock the potential of the 21st Century economy. We particularly commend the co-conveners – Australia, Japan and Singapore – for their leadership and tireless efforts to reach a commercially meaningful and robust agreement.

At a time of multiple crises and conflicts around the world, our collective economic development, growth, prosperity and employment depend upon cross-border access to technology and the movement of data in between countries.

Our organizations and member businesses are active across the world and in all economic sectors. The ability to access technology and transfer data across international digital networks is of central importance to our operations, business models, customers, workers, as well as supply chain partners, including micro, small, and medium-sized enterprises (MSMEs). No business can engage in international trade or compete on a level playing field without it.

The JSI negotiations offer a unique opportunity to reach an international agreement that can help realize the promise of cross-border access to technology and the trusted movement of data for all economic sectors and across regions. To enhance certainty and economic opportunity, the agreement should aim to achieve high standard provisions ensuring data flows across borders, a permanent moratorium on Customs Duties on Electronic Transmissions, non-discrimination of digital products, prohibition of disclosure or transfer of source code or algorithms, and disciplining discriminatory data localization policies – in particular, the requirement to install computer-related equipment within the country as a condition for conducting business. The agreement should respect the right to regulate where necessary and be guided by principles of non-discrimination, transparency, and interoperability among legal frameworks.

We regret the Office of the United States Trade Representative's decision to withdraw its long-standing support of core digital trade principles. However, we believe the participating economies should continue to seek high ambition, including on data and source code, to deliver the first ever high standard global baseline agreement on digital trade. They should follow the highest level of disciplines achieved in bilateral and regional trade agreements to date, particularly those achieved by the co-convenors. Indeed, this is a huge opportunity to re-affirm the WTO's leadership role in setting world-class, commercially meaningful global baseline rules for trade in the modern economy. This work will also support important efforts in other multilateral fora, such as the G7's engagement on promoting internet freedom and advancing collaboration on cross-border data flows through accelerating and operationalizing Data Free Flows with Trust, as well as the efforts undertaken in the Global Cross Border Privacy Rules Forum.

We commend the participating economies for their efforts to achieve a robust and meaningful outcome that will spread the benefits of digital trade to all, and we stand ready to support your work.

Yours sincerely,

ACT | The App Association

Australian Information Industry Association

BSA | The Software Alliance

BusinessNZ

Canadian Chamber of Commerce

City of London Corporation

Coalition of Services Industries

Computer & Communications Industry Association (CCIA)

Consumer Technology Association (CTA)

Developers Alliance

European Services Forum

Global Data Alliance

Information Technology Industry Council

International Chamber of Commerce United Kingdom

Japan Electronics and Information Technology Industries Association (JEITA)

Professional and Business Services Council (Business-side)

TECHNATION Canada

techUK

TheCityUK

World Innovation, Technology and Services Alliance