

**General Council Meeting  
October 13, 2020**

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**Statement by India – Delivered by Ambassador & PR to the WTO**

**Agenda Item 9: ‘Work Programme on Electronic Commerce and Moratorium on imposing custom duties on electronic transmissions – Request from India’**

Thank you, Chair.

2. The tennis aficionados in this house must have followed the French Open that recently got over. Now imagine for a minute, if the International Tennis Federation or ATP had decreed that tennis could only be played on grass courts, à la Wimbledon, there would be no Roland Garros or US Open or Australian Open. The world would be deprived of watching Rafael Nadal’s prowess on clay!

3. Also imagine, if the inventors of the ‘Gentleman’s Game’ cricket had ordained that the long-duration format of Test Cricket was the only acceptable format, then we would have been deprived of the experience of one day cricket or T20 format of cricket. There would be no Caribbean Premiere League, the Australian Big bash League or the Indian Premier League.

4. In the same vein, if this house were to make rules authorizing digital payments only using conventional instruments then this amounts to a curb on innovation in terms of alternative digital payment platforms. Similarly using only conventional authentication for digital signatures side-lines other cheaper options such as biometrics-based authentication for digital signatures that is being used in countries like India. In brief, in making rules on digital trade, the WTO Membership must be very careful to not curb innovation and intellectual creativity by restricting the play field to established players. Rule making under JSI at this stage will once again create asymmetry and reverse S&DT similar to one existing in Agreements on Agriculture. It will create a non-level playing field in support of existing players and against the interest of new players. All do not have resources and skill to compete in the game, the shape of which is being determined by those who have resources and early mover advantage.

5. As the digital revolution is still unfolding, India has on a number of occasions reiterated that it is important to first understand the complex and multi-faceted dimensions of issues related to e-commerce. We still do not comprehend the full implications of effects of e-commerce on competition and market structures, issues related to transfer of technology, data storage and automation and its impact on traditional jobs and the gaps in policy and regulating frameworks in developing countries. Therefore, India has been a proponent of strengthening

our multilateral work under the non-negotiating and exploratory 1998 Work Programme on e-commerce.

6. Under this multilateral Work Programme and with the intention of understanding the implications of the moratorium on customs duties on electronic transmissions, India along with South Africa has introduced three submissions, which explains our understanding on the scope and impact of the moratorium.

7. In December 2019, India joined the consensus on the six-month extension of the moratorium with the understanding that the Work Programme on Electronic Commerce will be reinvigorated with the specific objective of achieving clarity on issues related to the scope of the moratorium, the definition of electronic transmissions, identification of products which are covered under the moratorium as well as its impact. I urge Members to engage sincerely on these issues in the multilateral Work Programme.

8. We would also like to remind the Secretariat and the Membership that paragraph 1.2 of the 1998 Work Programme on e-commerce mandates that “the General Council shall play a central role in the whole process and keep the work programme under continuous review through a standing item on its agenda.” We expect that in line with the clear mandate of para 1.2 of the Work Programme the Secretariat will keep the review of the 1998 Work Programme as a standing agenda item on the agenda of the meetings of the General Council.

### **Statement at the End of Discussion:**

1. Thank you, Chair and Members for the engagement today on this agenda item.
2. The interest shown by Members today clearly shows the benefit of having a set agenda for review.
3. At the end, all of us have learnt our ‘lessons’ in last 25 years of the WTO; I still don’t know, whether these were ‘right’ or ‘wrong’ lessons !

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