

## CPTPP COMMITTEE ON ELECTRONIC COMMERCE

<b>Committee Report</b>
<p>1. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) Committee on Electronic Commerce was held virtually on 13th April 2022. Delegates from the following CPTPP members participated: Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Viet Nam. This was the first meeting of the Committee. Ms Tan Lay Lin of the Ministry of Trade and Industry Singapore and Mr TAMURA Hideyasu of the Ministry of Economy, Trade and Industry Japan co-chaired the Committee.</p>
<p>2. The Committee agenda is attached in <b><u>Annex A</u></b>.</p>
<p>3. A summary of the Committee's discussion and outcomes decided under the respective agenda items is set out below.</p>
<p>4. AGENDA ITEM 1: The co-chairs of the Committee proposed the agenda for the session, and requested for other Members to share additional points of view. The agenda was approved by consensus, with no amendments.</p>
<p>5. AGENDA ITEM 2: The co-chairs suggested that the CPTPP Commission's Rules of Procedure be applied to the Committee with some modifications, and asked Members if any modifications were necessary. The Committee decided to adopt the CPTPP Committee's Rules of Procedure with some modifications. The Rules of Procedure is attached in <b><u>Annex B</u></b>.</p>
<p>6. AGENDA ITEM 3: The co-chairs introduced the proposed deliverables of the Committee for the year. The first deliverable was a study on best practices for E-Commerce implementation, which would review the laws, regulations and/or policies adopted by Members to implement the disciplines in the CPTPP E-Commerce Chapter, and examine barriers to digital trade relating to these disciplines. To ensure neutrality, the study would be conducted by an independent entity or organisation.</p> <p>Members broadly expressed support for the study, noting that it would demonstrate how the groundbreaking rules in the E-Commerce Chapter were being implemented, and serve as a stock take of how digital trade rules have progressed since the CPTPP was signed. Members added the study would provide useful insight for the reviews of the domestic laws and regulations of Members. Some Members suggested that the study would be conducted possibly in cooperation with an international organisation in reference to its existing studies.</p> <p>The co-chairs thanked the Members for expressing their support for the study, and the Members shared the view to discuss the proposed study during the second Senior Officials' Meeting on 21 and 22 April 2022.</p>
<p>7. AGENDA ITEM 4: The co-chairs introduced the second deliverable for the Committee, which was to conduct workshops on digital economy elements within</p>

Members' bilateral or plurilateral agreements that go beyond the CPTPP E-Commerce Chapter, and highlight ongoing efforts amongst Members to develop digital infrastructure and improve access to the digital economy.

The Chair shared a proposed list of workshop topics, under the broad buckets of (i) Data, (ii) E-Commerce Facilitation and (iii) Emerging Technologies, and provided suggestions on Members who could present on these topics. Under (i) Data, possible topics included the ASEAN Model Contractual Clauses, the data provisions in the United States-Mexico-Canada Agreement, open government data, and digital rules for businesses. Under (ii) E-Commerce Facilitation, possible topics included paperless trading and e-invoicing. Lastly, possible topics under (iii) Emerging Technologies included digital identities, Artificial Intelligence and co-operation on cybersecurity. The co-chairs sought the Members' views on these topics.

Members broadly supported the proposed buckets and suggested additional topics that could be shared during the workshops, such as submarine cable systems, digital inclusion and the Digital Economy Partnership Agreement (DEPA). The co-chairs proposed to hold these workshops later in the second quarter of the year, and will be reaching out to Members to confirm topics and ascertain their interest to present on the proposed topics.

8. AGENDA ITEM 5: The co-chairs introduced the third and final deliverable, which was the development of a non-paper outlining new elements for the E-Commerce chapter. To ensure that the CPTPP continued to remain a modern, relevant and useful agreement, it was useful to examine what other E-Commerce elements could be useful for improvement of the CPTPP in the future, taking reference from the study on best practices and the topics discussed at the workshops.

The Members generally shared the view that this would be useful as an analysis of the "CPTPP-plus" elements in other agreements and offered to share insights from their own domestic studies.

The co-chairs thanked the Members for expressing their support for the non-paper and suggested examining this proposal further after the conclusion of the workshops.

9. AGENDA ITEM 6: The Chair shared that the workshops would be held later in the second quarter, and noted that the Commission Meeting was tentatively proposed to be held in September or October this year. An additional Committee meeting could be held before the Commission meeting if there was interest to do so.

Members shared the view that it might be useful to have an additional Committee meeting before the Commission Meeting in the third quarter, to take stock of the progress on the deliverables for the year, and to have a deeper discussion on issues relating to implementation, including the consistency of Members' laws and regulations with the CPTPP provisions, and the actions that Members have taken or will be taking to comply with the CPTPP E-Commerce provisions.

10. AGENDA ITEM 7: The Chair would circulate the report, along with the workshop topics to the members, and Singapore would be providing an update on the first Committee meeting at the second Senior Officials' Meeting in Singapore on 21 to 22 April 2022.

Annex A

## CPTPP COMMITTEE ON ELECTRONIC COMMERCE

Draft Agenda	
<b>Date and Time:</b>	13 April 2022, 9am (Singapore Time)
<b>Venue:</b>	Video Conference (Cisco Webex)
Day 1	
<b>ITEM 1:</b>	<b>Adoption of the Agenda</b>
<b>ITEM 2:</b>	<b>Adoption of Rules of Procedure</b>
<b>ITEM 3:</b>	<b>Exchange of views on study on best practices for E-Commerce implementation</b>
<b>ITEM 4:</b>	<b>Exchange of views on workshops on digital economy agreement provisions and developing digital infrastructure</b>
<b>ITEM 5:</b>	<b>Exchange views on the development of a non-paper outlining new elements for the E-Commerce chapter</b>
<b>ITEM 6:</b>	<b>Next Meeting</b>
<b>ITEM 7:</b>	<b>Committee Report</b>

Annex B

## RULES OF PROCEDURE FOR THE ELECTRONIC COMMERCE COMMITTEE

These rules of procedure are established according to Article 27.4.4 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (the "Agreement") and will apply to the conduct of work by the Electronic Commerce Committee (the "Committee"). These rules also apply, *mutatis mutandis*, to a committee, working group, or other subsidiary body established under the Committee, unless those groups or subsidiary bodies adopt specific rules.

1. **Meetings:** The Committee will meet annually or as Parties (as defined in Article 1.3) may decide.
2. In accordance with Article 27.4.3, the Committee will carry out its work through whatever means are appropriate, which may include by email or videoconferencing. Where ongoing work does not require Parties to convene a meeting of the Committee, Parties may conduct work through the exchange of information between designated overall contact points (as set out in Article 27.5) or other working-level contacts.
3. **Delegations:** Each Party will endeavour to notify its intended delegation at least 2 weeks in advance of each meeting of the Committee.

4. **Agendas:** A provisional agenda for each meeting will be drafted by the Chair, in consultation with the Parties. The Chair will endeavour to send the first draft of the agenda, together with relevant supporting documents, to each Party as early as possible, or at least 10 days before the meeting.
5. If a Party wishes to add an item to the agenda, the Party should notify the Chair as early as possible, but no later than 5 days before the meeting. The Parties will adopt a final agenda at the start of each meeting.
6. **Report:** After each meeting, the Chair will draft a report of the discussions as well as key decisions, recommendations, or follow-up actions made by the Parties. The Chair will endeavour to submit the report to the Commission for adoption at the end of the day of the meeting.
7. **Decisions:** In accordance with Article 27.3 of the Agreement, the Committee will adopt decisions, recommendations, and interpretations by consensus among the Parties, unless otherwise provided for in the Agreement or as decided by the Parties. If applicable, each decision should provide a date for which a decision, recommendation, or interpretation comes into effect. Decisions by the Committee will be made publicly available, unless otherwise agreed by the Parties.
8. **Documents:** All documents submitted to and produced by the Committee will be assigned a serial number and dated by the Chair. Documents will be circulated to each Party's relevant contact points or other working-level contacts.