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WHITHER GLOBAL RULES FOR THE INTERNET?

The implications of the World Conference on International Telecommunication (WCIT) for international trade

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Introduction

The International Telecommunications Union (ITU) has its origins in the late 19th century when international telegraphic services and later telephony were for the most part provided by national (in many cases government-owned) monopolies collaborating with other similar monopolies. The ITU is shaped by this legacy, whose binding rules under the International Telecommunication Regulations (ITRs) were mainly designed to govern the terms of these bilateral monopoly relations. Since then the ITU (now incorporated under the multilateral system as a UN agency) was created by combining various entities responsible for international coordination of telephony and radio spectrum, with several updates of the ITRs taking

SUMMARY

The International Telecommunications Union (ITU) will be renegotiating its binding rules, known as the International Telecommunication Regulations (ITRs) at the World Conference on International Telecommunication (WCIT) in Dubai this December, which will be the first principal update since 1988. As the current rules do not reflect or take into account the development of the data-driven economy, for consideration propose increased regulation and access charges that could set back the tremendous progress made in electronically connecting billions of people across the world through decades of liberalisation policies.

However, many ITU negotiators seem to neglect their commitments under the World Trade Organization (WTO) and its General Agreement on Trade in Services (GATS) that remain in force, regardless of the provisions under the new ITRs. Each country's specific commitments in the WTO determine their obligations to provide market access (for both international interconnection and investments) under non-discriminatory terms, and 82 countries have also unilaterally agreed to open up and refrain from discriminatory measures in a so-called reference paper on basic telecommunications. Furthermore, most countries have made commitments that forbid them from imposing restrictions on the most common forms of Internet services, and a moratorium on tariffs and equivalent fees on data transmissions (known as the WTO e-commerce moratorium) which explicitly forbids access fees for data whether they are discriminatory or not.

A violation of these WTO commitments may lead to trade retaliation from the WTO's near-universal membership sanctioned by its dispute-settlement mechanism. The moratorium is also politically linked to pledging not to pursue certain types of intellectual property violation cases against developing countries.

place: notably, the Nairobi Plenipotentiary Conference of 1982 broadened the scope of the ITU by adding the function of providing technical assistance.

The worldwide process of telecom reform started in 1984 with the AT&T Divestiture in the United States, the market-entry reforms and privatization in the United Kingdom and the restructuring of NTT in Japan. In this context, the 1988 World Administrative Telegraph and Telephone Conference (WATTC) that was held in Melbourne sought to clear space for reforms by amending the rigid ITRs that were in place until then. The compromise document that was worked out in the last hours continued the bilateral monopoly arrangements for voice telephony but created space for less restrictive treatment of leased lines. However, the true changes, even in international telecommunication, came when governments liberalised domestic telecommunication industries at a rapid pace and when the technological changes from the ongoing Internet development seeped over to the telephony side. The 1988 International Telecommunication Regulations (ITRs) are embodied in a relatively short text. Starting at least from the 1998 Plenipotentiary Conference in Minneapolis, there were efforts to revise the ITRs. Several attempts to achieve consensus among experts failed. The 2012 World Conference on International Telecommunication (WCIT) seeks to push through the revisions without the benefit of such a consensus. The present proposals to amend the ITRs are structured around these original articles.[1]

The other multilateral system – the WTO

In parallel to the ITU, the multilateral system has built up another governing structure for international trade – the World Trade Organization (WTO). It is built on principles derived from its predecessor, the General Agreement on Tariffs and Trade (GATT) from 1947, and its most favoured nation (MFN) principle explicitly forbids discrimination amongst its members. Its modus operandi is complicated trade rounds where primarily tariffs were cut in various negotiations, such as in the Kennedy and Tokyo rounds of the 60s and 70s. The conclusion of the Uruguay round in 1995, which led to the creation of the WTO, expanded the mandate of WTO trade rules to services under General Agreement on Trade in Services (GATS) but also intellectual property, and investments, and gradually expanding the near-universal membership to 157 countries including full and equal participation of developed as well as developing economies.

Unlike electronic devices which are goods whose free circulation between countries are impeded by tariffs and deviating technical standards, telecommunications and cross-border flow of data under the WTO system is a service, where free trade is restricted by national laws and regulation regarding foreign entities participating in the economy. Service trade liberalisation under the WTO is admittedly less ambitious. Each member country painstakingly lists its commitments sector-by-sector, often with extensive caveats for sensitive sectors and national monopolies in each member country's Schedule of Specific Commitments separately for each mode of delivery.[2] By default, members remain "unbound" (meaning no commitments are made) unless concessions are negotiated and explicitly defined in the countries' schedule of commitments and there are also many generally applied (so-called 'horizontal') exceptions that apply across all sectors. Telecommunication services were seen as a critical enabler for services trade when the GATS was negotiated in the early 90s alongside the important liberalisation actions taking place amongst the major trading partners.

Besides each member's individual commitments, the GATS Annex on Telecommunications (so far ratified by 99 members) ensures WTO Members are accorded open access to and use of public telecommunications networks on reasonable and non-discriminatory terms.[3] A separate document, the so-called "Reference Paper" on Telecommunication which is a binding declaration by a smaller set of countries (signed by 82 countries covering 80% of cross-border trade in telecom services) liberalised the telecommunications market further and deepened the commitments for universal service, and against discriminatory practices on interconnection, regulation and licensing procedures amongst others.

Since the late 1990s, the Internet has become an essential part of the environment within which many businesses and organisations conduct their business. At first sight, it may seem that the WTO has failed to keep pace with these developments, especially in the light of the demise of the Doha Development Agenda (DDA) and the lack of further liberalisation since 2001. However, most WTO

Members are required to refrain from imposing restrictions on most types of Internet services (such as email, portals, search engines or blogs) as they have not made any restrictions to their commitments regarding what the GATS call "online processing services". The WTO dispute-settlement body (DSB) has provided some important interpretations on GATS through case law, and it is perhaps not by accident that all GATS disputes to date concern the Internet – where there is legal uncertainty, dynamism of trade law will seek to fill the void. The DSB is the de facto "court" of the WTO where members (i.e. states) can bring a case against another member if its rights have been infringed. If the transgressing member does not comply with the ruling, DSB can authorise retaliatory measures. The small island economy of Antigua & Barbuda successfully raised a case against the discriminatory US ban on online gambling,[4] while China's state trading and monopoly rights on audiovisual products and services were also successfully challenged.[5]

Also, there was an early attempt to safeguard free trade in the digital environment in 1998 when the WTO Members imposed a temporary moratorium for tariffs (which are traditionally applied on physical goods, not on services) on transactions that are entirely electronic. The WTO e-commerce moratorium has been continuously renewed since, yet several noted authors have questioned the practical use of this moratorium as governments are technically unable to impose discriminating duties on "foreign" data flows only, as they were indistinguishable from domestic ones – due to the way the Internet is constructed, an email may travel via a foreign country even where it is a communication between two points inside the same country. The renewal of the moratorium is politically linked to another moratorium on dispute on certain intellectual property violations (in the interest of primarily developing countries), although there are no linkages on substance.

Conflicts between the ITU ITRs and WTO GATS

The WTO rules were instrumental in providing an understanding of the developmental potential of the open trading system and deregulation for governments at the time of its creation. The GATS rules played a critical role in the ICT revolution by connecting a majority of the world's people to voice telephony through investments that were facilitated by them. However, both WTO rules and ITU's ITRs confer rights and bind the policy space of a national regulator and there is an inherent ideological conflict between the ITU and the market competition-centric WTO. The ITU rules are written with the objective of facilitating or enabling interaction between operators (for example for settling accounts) and written as commonly agreed principles that enable the regulators to act. Meanwhile, the WTO rules were written in a manner that restricts regulators from acting in a discriminatory manner against firms from other WTO Members. By contrast, trade liberalisation was simply permitted under the ITU ITRs, as "Special Arrangements" (article 9).

It is apparent that the progress achieved in limiting discriminatory practices in the telecommunications markets under the WTO may be rolled back by the efforts of some parties to use the renegotiation of the ITRs to recreate elements of economic arrangements from the bilateral-monopoly era of voice telephony, not only for the shrinking proportion of voice calls but for all forms of telecommunication. They threaten to increase transaction costs across the board, reduce access to attractive content and thereby slow down Internet take-up, just as it is beginning to accelerate in the developing world. As 50% of global services trade (e.g. financial services, retailing, professional services or services outsourcing) is dependent on open ICT networks, the implications of some WCIT proposals could be significant.[6] Besides being potential violations of existing WTO agreements and commitments, many of the WCIT proposals may be difficult to implement, given their incompatibility with how the Internet actually works and the realities of the multiple networks and pathways in the present liberalised environment.[7]

In the following section, we will review the implications of some of the proposals.

Proposals before WCIT

Widening the scope to cover private entities

Several proposals, including those from the Arab states and the African region, seek to expand the scope of the International Telecommunication Regulations (ITRs) from "administrations" (which meant regulators or monopolist operators) to "member states *and operating*

agencies" (own italics).[8] It is understandable that the parties that negotiate an international treaty should be bound by it. What is problematic is extending the scope to mostly private companies, including entities that are not directly engaged in international telecommunication. National laws permit states to impose legal obligations on private entities operating within their territories. It is superfluous to include language to say that they can, or, even worse, must do so in an international treaty.[9]

Perhaps the more dangerous is the second half of the proposed Article, namely "these Regulations recognise the right of any Member State, subject to national law and should it decide to do so, to require that administrations and private operating agencies, which operate in its territory and or provide an international telecommunication/ICT service to the public in its territory, be authorised by that Member State." According to this, authorisation or licensing may be required even for broadly defined service providers who provide services within the national territory, but are located outside. Leaving aside the practicality of enforcing this power to authorise or license entities outside the national territory, this article has serious implications for entities engaging in cross-border services trade, particularly through cross-border supply from abroad, defined under the WTO rules as Mode 1. Limitations enforced against private entities on the basis of this expanded scope could be infringing on WTO commitments that a country has made in that regard.

Definition of telecommunication services

Some proposals seek to introduce parallel or overlapping definitions for what falls within the scope of ITRs.[10] The definition of what is actually a telecommunication service is taken from the Constitution and Convention of the ITU and cannot be changed at WCIT. Proposing a parallel definition (a term used in the explanation of the Arab State proposal) appears to intend an expansion of the scope of the ITRs in a way that would not be permitted by the Constitution and Convention. Regardless of the ITU, to reclassify Internet services as telecommunication services is inconsistent with the scheduling of services under the WTO.[11] While this is not yet settled in a trade dispute, nineteen WTO Members have signed a memorandum ('Understanding on the scope of coverage of CPC 84') stipulating that practically all Internet services should be covered within one commitment of "computer and related services" (CRS or chapter heading CPC 84) rather than as "telecommunication services".[12] This somewhat overly technical question about classification has significant bearing on what telecommunication regulators are allowed to do or not do – provisions of telecommunication services is often associated with complex regulatory burden, ranging from licensing, standardisation to other liabilities. To extend these into Internet services is clearly an attempt to circumvent WTO rules. In an extreme case where all of the Internet is defined as "value-added telecommunication services", online retailers, search engines or an Internet banking services would be bound by the licensing regimes that apply to telecommunication operators.[13]

The accounting rate regime

When a person wishes to call a person in another country, the only transaction is with the operating agency in his own country to whom he pays a fee (known in ITR terminology as a "collection charge"). In order to provide the service of completing the overseas call, the operating agency must purchase "termination services" from an operator, i.e. to connect the call to the person at the destination. The cost of transporting the call is usually split equally between the two operators. This is the simplest form of arrangement. In complicated forms, transit charges to third or fourth operators have to be factored in. Of course, charges are not negotiated call by call, but are settled periodically on a net basis.

Both the Arab States and the African States propose the continuation, with "enhancements," of this type of accounting-rate regime that has governed international voice telecommunication for decades. Depending on each country's WTO specific commitments, one or more of the actions below could be a violation of the WTO rules:

- If the Operating Agency that provides the call termination service is unwilling to accept traffic at any technically feasible point in its network
- If the Operating Agency may discriminate between local operators and foreign operators seeking call-termination services, thereby violating the national-treatment principle. Charging an amount higher than that charged for a locally originated call at the same hand-over point or taxing internationally-originated

calls while not taxing locally-originated calls may be forms of discrimination prohibited by a country's GATS commitments.

- Charging different termination fees for calls originating from different GATS member states may constitute a violation of the most-favoured-nation principle that is central to both GATT and GATS. In recognition of this, the members of the South Asian Association for Regional Cooperation (SAARC) countries negotiated a specific exception in the WTO that allows them to charge lower rates for incoming calls from SAARC member countries.

Access charges

Other proposals (e.g. art. 6.0.6 language as proposed by the African States) mandates member states to take "measures to ensure that operating agencies have the right to charge providers of international communication applications and services appropriate access charges based on the agreed quality of service." The Arab States proposals include the same language and further state that regulatory measures may be imposed by the member state in cases where appropriate access charges are not established through commercial arrangements and to the extent that such measures do not hinder competition. This clearly indicates an intention to reach beyond companies that are merely supplying international telecommunication services but to those who supply applications and services.

Imposition of charges on online services providers or applications (otherwise known as "over the top", or OTT players) could be the start of a slippery slope that will end in the member state becoming a cartel manager that mandates the use of a limited number of gateways for all data traffic. Since a transaction is usually initiated by a customer of an Operating Agency (for example an Internet user who pays his operator to access a streaming video service) it is incorrect to impute that access is sought by an OTT. The online service is merely responding to a request from the customer who is already paying the provider of Internet access.

The proposed language overrides the commercial judgment of operating agencies and OTT players by allowing the member state to decide whether payments are "appropriate." It is widely recognised that access-network providers exert a degree of market power because they can control access to their customers. There is no justification for a member state, on its own or backed up by an international treaty, further enhancing the negotiating power of operating agencies supplying access network services. Specifically, there is no justification for the member state to actually determine access charges.

The GATS concern is with actions by primarily public bodies (and therefore does not apply to measures taken by private firms against their competitors, suppliers or customers). The Arab States' proposal nevertheless opens up space for regulatory measures that would fall within the scope of GATS. The first question that arises is whether this is a measure by the regulator or private entity that is free to collect fees under market terms. In the case of the former (which is also likely to apply in the case of state monopolists),[13] such rules may be permissible under the ITRs, but would still be violating the commitments undertaken under the country's specific commitments if they were to impose discriminatory fees upon foreign Internet services providers. This is also a violation of the WTO e-commerce moratorium that explicitly forbids imposing duties (or equivalent fees) on electronic transmissions, which binds all WTO members. In the case where such fees are merely "permitted" in a jurisdiction and are implemented by private entities, the situation is more ambiguous as it would come down to the legal design of the enabling provisions in the national laws, whether they contain elements that are discriminatory towards foreign operators or services providers.

Utilisation of facilities

The Arab States propose Article 6.0.7 that would require members states to "take necessary measures to optimise the utilisation of the facilities of operating agencies in their territories and to ensure their sustainable development considering the public interest." The vague terminology of the proposed article leaves considerable room for intervention by member states in the commercial activities of operating agencies within their territories. Many of these operating agencies are foreign-owned and engage in Mode 3 trade in services, wherein a service supplier of one member establishes a territorial presence in another member's territory to provide a service. ITU members that have made commitments in Mode 3, or are signatory to the GATS Reference Paper on Basic

Telecommunications, are bound by their commitments to refrain from such market interference.[14] Leaving aside the legalities, the introduction of vague language into international treaties does no one any service, least of all the countries that need to attract investment to achieve the principal objectives set out in the ITRs.

Conclusions

It is clear from the above that several proposals for ITRs could have a bearing on or directly conflict with various WTO commitments. So far, the WTO and the ITU have been spared the politicised and intricate links that exist for instance on intellectual property between the WIPO and the WTO. The debate on Internet global governance that also involves the multi-stakeholder model of e.g. ICANN, IETF and W3C, indicates that the two legal systems of trade and telecommunications no longer exist in silos. This is particularly true when many of the WCIT proposals seek to redefine Internet services as telecommunications in order to put them under the regulatory oversight associated with telecommunications. Some protectionist countries have already tried to apply this rationale by defining the entire Internet as value-added telecommunication services – as a consequence, an Internet banking service or a blog could be forced to apply for a telecom operator licenses. Such an application is not consistent with the WTO system, nor does it provide space for the relatively flexible market access and national treatment provisions that WTO members have provided.

It is now technically feasible to block or discriminate against service providers from abroad and allow domestic operators to operate without hindrance. The WTO e-commerce moratorium was previously seen as largely pointless as tariffs on data flows were deemed technically impossible to implement on a discriminatory basis – this is no longer the case, and the moratorium has a direct bearing if a WTO member decided to implement access fees on OTTs.

Finally, the e-commerce moratorium is widely seen as politically linked to a moratorium on WTO disputes over so-called 'TRIPS non-violation complaints', which refers to the possibility of raising cases against a WTO member even if the treaties have not been violated literally, but measures have been taken to the same effect. If the e-commerce moratorium were to be ignored on the basis of the ITRs, it would not only subject the countries who impose access charges to WTO disputes – it would also open the floodgates on intellectual property violation cases against developing countries in the WTO.

ITRs do not nullify nor amend WTO commitments, in the same way that for example binding agreements or explicit let-outs for certain practices under other international organisations or bilateral treaties do not limit the applicability of WTO rules. The only exception to the rule is security exceptions (GATS art XIV bis; corresponding paragraph for goods in GATT Art XXI) where UN obligations take precedence above the WTO that do not "prevent any Member from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security", which is clearly not the case for the ITRs. Instead, the WTO and UN members work continuously to uphold conformity and consistency between the obligations under each system.

Endnotes

1. In some cases, the articles are renamed (e.g., Art. 6, "Charging and Accounting" renamed as "General Economic and Policy Issues") or new items inserted within that structure (e.g., Art 5B in the African States proposal "Countering Spam."). In the interests of brevity we have chosen to focus on the recommendations that are in our judgment the most relevant to WTO disciplines.
2. Members have specified the level of market access commitment in different categories according to four modes of delivery and trade; (1) cross-border supply, (2) consumption abroad, (3) commercial presence in the country through a branch or similar arrangement and (4) through presence of a natural person providing the service while present in the foreign country.
3. WTO General Agreement on Trade in Services (GATS) Annex on Telecommunication, 1994.
4. United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services, DS285; Australia, Costa Rica, India, Macau, Canada, Japan and the EU were also authorised to seek a settlement or retaliate against the US.
5. China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products, DS363
6. UNCTAD Information Economy Report 2009
7. Kende, Michael, Internet Global Growth: Lessons for the Future, 2012
8. Arab States art. 1.1
9. ibid., proposed language for art 1.7
10. E.g. Arab Group proposal, Art. 2.1 and Art 2.2 bis
11. See Hindley, Lee-Makiyama, 2010 for an explanation of classification of Internet services
12. WTO, TN/S/W/60, S/CSC/W/51, 2007
13. See Liu, Internet censorship as a trade barrier: a look at the WTO consistency of the great firewall in the wake of the China-Google dispute, 2011
14. Mexico – Measures Affecting Telecommunications Services (Telmex), DS204
15. Lee-Makiyama, 2011

Bibliography

Arab States Administrations, Arab States Common Proposals for the Work of the Conference, Revision 1 to Document 7-E, 24 October 2012

African Telecommunication Union Administrations, African Common Proposals for the Work of the Conference, Document 19-E, 2 November 2012

Hindley, Brian, Lee-Makiyama, Hosuk, Protectionism Online, ECIPE Working Paper 12/2009

Kende, Michael, Internet Global Growth: Lessons for the Future, 2012

Lee-Makiyama, Future-Proofing World Trade in Technology, ECIPE working paper, 04/2011

Liu, Cynthia, Internet censorship as a trade barrier: a look at the WTO consistency of the great firewall in the wake of the China-Google dispute, Georgetown Journal of International Law, Volume 42, Issue 4, 2011

UNCTAD Information Economy Report 2009

WTO General Agreement on Trade in Services (GATS) Annex on Telecommunication, 1994.

WTO, Understanding on the scope of coverage of CPC 84, TN/S/W/60 and S/CSC/W/51, 2007

WTO Dispute Settlement Body:

United States — Measures Affecting the Cross-Border Supply of Gambling and Betting Services, DS285

China — Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products, DS363

Mexico — Measures Affecting Telecommunications Services (Telmex), DS204

Annex

List of WTO members with GATS commitments on telecommunication services

Albania
Antigua & Barbuda
Argentina
Armenia
Australia
Austria
Bangladesh
Barbados
Belgium
Belize
Bolivia
Brunei
Bulgaria
Cambodia
Canada
Cape Verde
Chile
China
Colombia
Congo RP
Cote d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Denmark
Djibouti
Dominicana
Domincan Republic
Ecuador
Egypt
El Salvador
Estonia
Finland
France
Macedonia
Nicaragua
Gambia
Georgia
Germany
Ghana
Greece
Grenada
Guatemala
Guyana
Hong Kong
Hungary
Iceland
India
Indonesia
Israel
Ireland
Italy
Jamaica
Japan
Jordan
Kenya
South Korea
Kyrgyz Republic
Latvia
Lesotho
Liechtenstein
Lithuania
Luxembourg
Malaysia
Mauritius
Mexico
Moldova
Mongolia
Morocco
Nepal
Netherlands
New Zealand
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Peru
Philippines
Portugal
Poland
Romania
Saint Kitts & Nevis
Saudi Arabia
Senegal
Singapore
Slovak Republic
Slovenia
South Africa
Spain
Sri Lanka
Suriname
Sweden
Switzerland
Chinese Taipei
Thailand
Tonga
Trinidad & Tobago
Tunisia
Turkey
Uganda
Ukraine
United Kingdom
USA
Venezuela
Vietnam
Zimbabwe

List of WTO members who are signatories of the GATS Annex on Telecommunications

Albania
Antigua and Barbuda
Argentina
Armenia
Australia
Austria
Bangladesh
Barbados
Belize
Bolivia
Brunei Darussalam
Bulgaria
Cambodia
Canada
Cape Verde
Central African Rep.
Chile
China
Colombia
Congo RP
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Estonia
European Community
Finland
France
Macedonia
Nicaragua
Finland
FYR Macedonia
Gambia
Georgia
Ghana
Grenada
Guatemala
Guyana
Hong Kong
Hungary
Iceland
India
Indonesia
Israel
Jamaica
Japan
Jordan
Kenya
Korea RP
Kyrgyz Republic
Latvia
Lesotho
Liechtenstein
Lithuania
Malaysia
Mauritius
Mexico
Moldova
Mongolia
Morocco
Nepal
New Zealand
Nicaragua
Nepal
Netherlands
New Zealand
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Peru
Philippines
Poland
Romania
Saint Kitts & Nevis
Saudi Arabia
Senegal
Singapore
Slovak Republic
Slovenia
South Africa
Sri Lanka
Suriname
Sweden
Switzerland
Chinese Taipei
Thailand
Tonga
Trinidad and Tobago
Tunisia
Turkey
Uganda
Ukraine
USA
Venezuela
Viet Nam
Zimbabwe
Venezuela
Vietnam
Zimbabwe

List of WTO members who are signatories of the Reference Paper on Basic Telecommunication Services

Albania
Antigua & Barbuda
Argentina
Australia
Austria
Bangladesh
Barbados
Belize
Bolivia
Brunei Darussalam
Bulgaria
Canada
Chile
China
Colombia
Croatia
Cyprus
Czech Republic
Dominican Republic
Egypt
Ecuador
El Salvador
Estonia
Georgia
Ghana
Grenada
Hong Kong, China
Hungary
Iceland
Egypt
El Salvador
Estonia
European Community
Finland
France
Macedonia
Nicaragua
India
Indonesia
Israel
Ivory Coast
Jamaica
Japan
Jordan
Korea
Kyrgyz Republic
Latvia
Lithuania
Malaysia
Mauritius
Mexico
Moldova
Morocco
New Zealand
Norway
Oman
Pakistan
Peru
Poland
Romania
Senegal
Chinese Taipei
Singapore
Slovak Republic
Slovenia
South Africa
Morocco
Nepal
New Zealand
Nicaragua
Nepal
Netherlands
New Zealand
Sri Lanka
Suriname
Sweden
Switzerland
Thailand
Trinidad & Tobago
Tunisia
Turkey
Uganda
USA
Venezuela
Belgium,
Denmark
France
Germany
Greece
Ireland
Italy
Luxembourg
Netherlands
Portugal
Spain
United Kingdom
Awaiting ratification:
Brazil
Dominica
Guatemala
Papua New Guinea
Philippines
USA
Venezuela
Viet Nam
Zimbabwe
Venezuela
Vietnam
Zimbabwe

List of all WTO members who are thereby bound by the e-commerce moratorium

Albania
Angola
Antigua and Barbuda
Argentina
Armenia
Australia
Austria
Bahrain
Bangladesh
Barbados
Belgium
Belize
Benin
Bolivia
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Burundi
Cambodia
Cameroon
Canada
Cape Verde
Central African Republic
Chad
Chile
China
Colombia
Congo
Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Congo
Denmark
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Estonia
European Union
Fiji
Finland
France
Gabon
The Gambia
Georgia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea
Guinea-Bissau
Guyana
Haiti
Honduras
Hong Kong
Hungary
Iceland
India
Indonesia
Ireland
Israel
Italy
Jamaica
Japan
Jordan
Kenya
Korea, Republic of
Kuwait, the State of
Kyrgyz Republic
Latvia
Lesotho
Liechtenstein
Lithuania
Luxembourg
Macao, China
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mexico
Moldova, Republic of
Mongolia
Montenegro
Morocco
Mozambique
Myanmar
Namibia
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
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Romania
Russian Federation
Rwanda
Saint Kitts and Nevis
Saint Lucia
Saint Vincent
Samoa
Saudi Arabia
Senegal
Sierra Leone
Singapore
Slovak Republic
Slovenia
Solomon Islands
South Africa
Spain
Sri Lanka
Suriname
Swaziland
Sweden
Switzerland
Chinese Taipei
Tanzania
Thailand
Macedonia
Togo
Tonga
Trinidad and Tobago
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