



## Digital Trade Inventory: Rules, Standards and Principles

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- ▶ The Digital Trade Inventory provides an overview of the rules, standards and principles across a range of international fora that underpin digital trade, with a view to helping countries navigate the complex and evolving digital trade landscape.
- ▶ Beyond a repository and searchable database, the work highlights that many jurisdictions have already made commitments on issues that matter for digital trade discussions, including in their RTAs.
- ▶ The Inventory shows that there is a solid basis of international instruments across a broad number of fora, upon which WTO e-commerce discussions can build.

### What's the issue?

Digitalisation provides new opportunities for countries to benefit from trade, including tackling some of the consequences of COVID-19. However, the benefits of digitalisation for trade - and of trade for digitalisation - are not automatic. They require a regulatory environment that enables cross-border digital transactions while allowing governments to respond to new challenges raised by digitalisation.

Important aspects of the regulatory environment that underpin digital trade in goods and services are already covered by existing multilateral rules and agreements under the World Trade Organisation (WTO). However, there is an emerging view that these rules need to be updated to fully account for issues arising in the digital era. This is why a group of WTO Members have begun discussions on “trade-related aspects of electronic commerce” under the Joint Statement Initiative (JSI) on e-commerce. This initiative touches on a diverse set of issues, including e-signatures and e-payments, information flows, privacy, consumer protection, cybersecurity and market access.

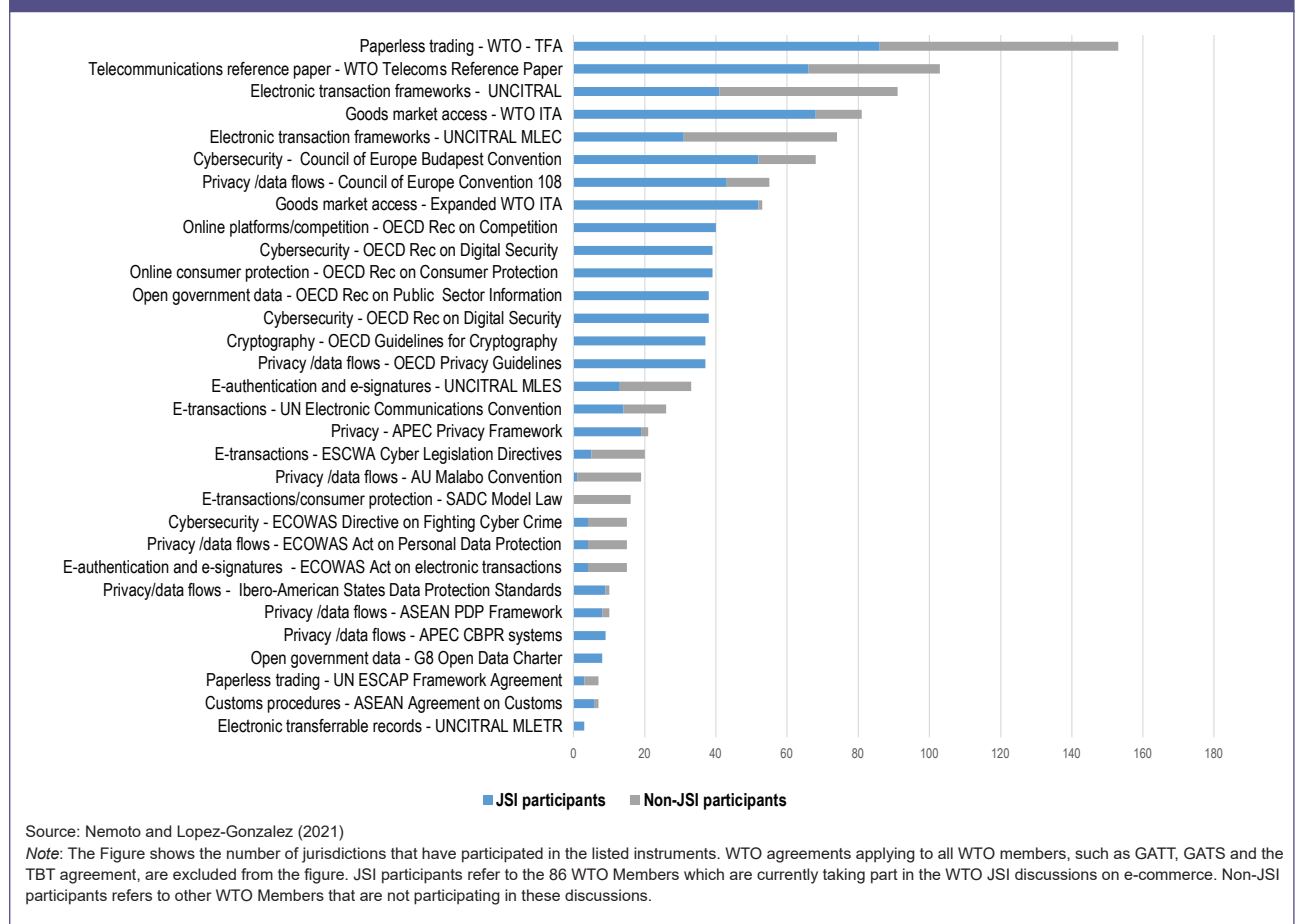
At the same time, rules affecting digital trade are also found in a range of other fora. Regional trade agreements (RTAs), such as the United States-Mexico-Canada Trade Agreement (USMCA) and the Comprehensive and Progressive Agreement for Trans-Pacific Trade (CPTPP), increasingly include provisions related to trade in the digital era. Moreover, rules, principles and standards related to digital trade are also the subject of deliberation in other international organisations such as the United Nations and its regional agencies, the World Customs Organisation (WCO), the OECD and other regional institutions and international standard setting bodies.

Against this backdrop, the aim of the Digital Trade Inventory is to help countries navigate the evolving environment by providing an overview of existing rules, principles and standards of importance for digital trade. It is hoped that this transparency exercise can contribute to enabling more informed discussions on digital trade, whether at the WTO, or other international organisations, or in developing relevant domestic policies.



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Figure 1. Adherence to international instruments varies widely (number of jurisdictions)



## What does the Inventory tell us?

The topics covered in the Inventory are based on the issues that are currently being discussed in the WTO JSI. This means that the Inventory contains items that reflect a broad consensus on the areas that might be of importance for rule-making for digital trade (without prejudice to other issues also being important).

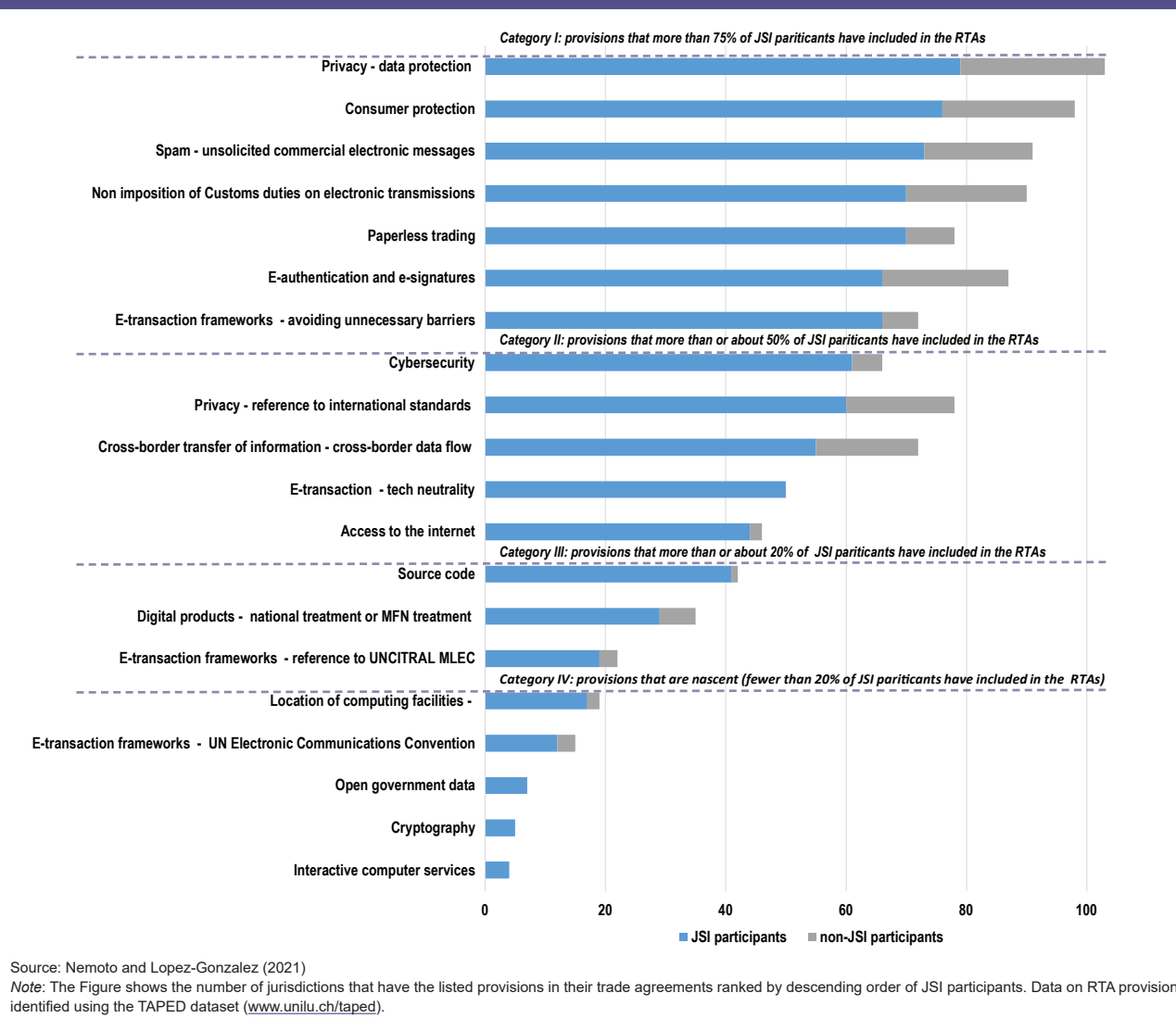
The Inventory identifies **52 instruments that have been developed across 24 different fora**. These touch upon different issues, in accordance with the remit and membership of the institutions in which they are discussed. **Beyond the WTO, the OECD, the International Organization for Standardisation/International Electrotechnical Commission (ISO/IEC), the United Nations Economic Commission for Europe's Centre for Trade Facilitation and Electronic Business (UNECE/UNCEFACT) and the United Nations Commission on International Trade Law (UNCITRAL) each provide at least 4 relevant instruments.**

In terms of international rules, the strongest consensus currently exists in relation to trade facilitation, telecommunications, and goods market access for ICT products, through progress made at the WTO. However, there is also wide consensus on issues related to electronic transactions, where UNCITRAL instruments have had substantial influence across a broader set of jurisdictions, both JSI and non-JSI participants (Figure 1).

The Inventory also reveals that there is a high degree of **complementarity between different international instruments** which often cross-reference each other. For example, the UN Guidelines for Consumer Protection in E-commerce cite the OECD Recommendations on Consumer Protection and trade agreements often reference tools developed by UNCITRAL, the Asia Pacific Economic Community (APEC) Cross-border privacy rules (CBPR), or the OECD Privacy Guidelines.

**RTAs have also played an important role in developing rules for digital trade.** Facilitating electronic transactions - which includes specific provisions on e-transaction frameworks, e-authentication and e-signatures - is the

Figure 2. RTAs have wide-ranging coverage (number of jurisdictions)



area that is most commonly covered. That said, in terms of specific provisions, protection of personal information, consumer protection, unsolicited electronic messages (spam) and customs duties on electronic transactions appear most frequently in RTAs, albeit with different levels of binding commitments (Figure 2).

Overall, the Inventory reveals that **there is already substantial uptake of instruments on issues related to digital trade among JSI participants**. At the same time, **many non-JSI participants are also already in the process of undertaking reforms in some of these areas**. This Inventory shows that there is a solid basis of international instruments upon which the JSI discussions can build, including in the context of facilitating participation for non-JSI members.



#### Further reading

To access our searchable database:  
<https://www.oecd.org/trade/topics/digital-trade/>

Source: Nemoto, T. and J. López González (2021), “Digital trade inventory: Rules, standards and principles”, *OECD Trade Policy Papers*, No. 251, OECD Publishing, Paris, <https://doi.org/10.1787/9a9821e0-en>.