



General Council

**AGENDA ITEM 3.A -
WORK PROGRAMME ON ELECTRONIC COMMERCE -
REPORT BY THE FACILITATOR**

THURSDAY, 14 DECEMBER 2023

1.1. Thank you for this opportunity to provide an update on the Work Programme on Electronic Commerce before the year end. As we prepare for MC13, I believe we can look back with a certain degree of satisfaction at the work that we have carried out this year and I wish to take this opportunity to thank all Members for their engagement throughout these discussions.

1.2. Since my last report in November ([JOB/GC/368](#)), we have held two dedicated discussions. The Dedicated Discussion on 14 November was the third meeting of the year to focus on the moratorium. Given the calls for more engagement on this issue and for evidence-based analysis, I invited the WTO Secretariat to present the findings of the report on Digital Trade for Development jointly prepared with the IMF, OECD, UNCTAD, and the World Bank. Representatives of the respective organizations attended the meeting and answered Members' questions including on two recent papers issued by the IMF and OECD. The Joint Report had not yet been launched at the time of the meeting. It has since then been officially launched during the e-Week of UNCTAD and is now accessible on the WTO website.

1.3. At the Dedicated Discussion held on Friday, 8 December, Members started consideration of text-based proposals for a draft Ministerial decision. Three submissions were considered in this regard. Two of them are on the agenda of today's meeting ([WT/GC/W/909](#) from Canada, Switzerland and other co-sponsors, and [WT/GC/W/911](#) from South Africa). A third one, from the ACP Group, was made available in the room and subsequently circulated in [WT/GC/W/916](#). All three draft documents call for the continued re-invigoration of the Work Programme in line with the 1998 mandate. Some contain additional elements, such as emphasis on the development dimension and the reporting process on the work programme to the General Council and/or other relevant bodies and the timings thereof. There were equally proposals for the creation of a trust fund and suggestions for the development of a more level playing field. With respect to the moratorium, two of the draft documents call for the extension of the moratorium until MC14 and one calls for its termination at MC13.

1.4. Despite known differences, I am pleased to report that discussions on Friday last were constructive, and delegations offered specific comments and suggestions on each of the draft proposals put forward.

1.5. In terms of format for a draft ministerial Decision, there seems to be a preference for maintaining the structure and brevity of recent Ministerial Decisions.

1.6. Since the three draft documents presented at the meeting bear a number of similar elements, these commonalities emerged during discussions, for example, with respect to acknowledging progress made in the reinvigoration of the Work Programme; upholding the development dimension of the work programme; the need to continue working with other IGOs to address identified challenges and deepening discussions on certain issues.

1.7. There was less convergence with regard to the reporting structure and the level of prescription for reporting. There was nonetheless flexibility from the proponents to accommodate the concerns raised.

1.8. The extension of the moratorium remained the main point of contention. Members reiterated well-known positions, and some renewed their calls for including reference to continuing discussions on the definition, scope and impact of the moratorium. I noted the readiness to discuss further and have encouraged delegations to put forward proposals on scope and definition from their individual perspectives.

1.9. More work is certainly needed if we are to find a middle-ground, particularly on the moratorium. I have requested delegations to reflect further on the three draft proposals currently on the table and to send any additional comments they may have by Friday, 15 December, close of business.

1.10. I intend to hold consultations in mid-January to deepen our discussion on these draft texts for a Ministerial decision. This will take place ahead of the Dedicated Discussion scheduled for 25 January. The purpose would be to find language that captures the commonalities between the three texts on the table.

1.11. Before concluding, let me recall the more recent communications from the LDC Group in document [WT/GC/W/905](#), from India and South Africa in document [WT/GC/W/902/Rev.1](#), and from South Africa in [WT/GC/W/910](#) – the latter being on the agenda of today's meeting. As our discussions on thematic issues have concluded, we have not been able to consider them in the Dedicated Discussions. Whilst I remain guided by Members as to whether there should be special sessions to discuss these papers at a later point, I did inform Members at our meeting last Friday, that they are free to propose language for a Ministerial decision based on their perspectives. Should there be anything specific in these papers that the proponents would wish to see reflected in a potential draft ministerial decision, they are welcome to propose any specific textual language.

1.12. I look forward to Members' continued engagement during consultations in January and the forthcoming dedicated discussion.

1.13. This concludes my report.
