



WCO WORKING GROUP
ON E-COMMERCE

EM0010E1a

-
1st Meeting
-

21 - 23 September 2016

Brussels, 12 October 2016.

SUMMARY REPORT

Item I - Opening and adoption of the Agenda

a) Opening of the Meeting by Mrs. Ana B. HINOJOSA, Director of Compliance and Facilitation

1. In her opening remarks, Mrs. Ana B. Hinojosa, Director of Compliance and Facilitation welcomed delegates from WCO Member administrations, International Organizations, the Private Sector and Academia to the 1st meeting of the WCO Working Group on E-Commerce (WGEC). She then moved on to explain the administrative procedures concerning the meeting and the availability of the draft agenda and meeting documents on the WCO website.
2. Delving on the rapidly evolving e-commerce environment, in particular cross-border e-commerce and emerging technologies, she outlined the background of the establishment of the multi-stakeholder WGEC and its mandate to carry out future work in a more cohesive and sustainable manner. She acknowledged the presence of over 175 representatives, from Customs administrations, express service providers, postal operators, freight forwarders, technology enablers, e-commerce operators, financial intermediaries, and academia, which reflected the growing mutual interest in this emerging trade channel.
3. She concluded by informing that the WGEC would be co-chaired by a Customs representative and a private sector representative and then invited the WCO Secretary General for his keynote remarks.

b) Introduction by Mr. Kunio MIKURIYA, Secretary General of the WCO

4. The Secretary General Mr. Kunio Mikuriya welcomed stakeholders, from international organisations, the private sector, and academia, together with Members, underlining the importance of collaboration and cooperation. He emphasized that the WCO had been promoting international cooperation and interaction with as many partners as possible in

the trade arena and that the establishment of the WGEC was another initiative to that end. He continued stating that the WCO would be happy to enhance existing relationships and forge new partnerships with new and emerging actors in the e-commerce supply chain. He underscored the important role the WCO plays in the e-commerce domain highlighting the 2001 Baku declaration on e-commerce. He stressed the importance of ensuring that Members and stakeholders were informed and supported when dealing with growing volumes.

5. The Secretary General then noted that WCO welcomed the growing e-commerce, which enabled both small and medium enterprises (SMEs) and consumers to have direct access to international trade, making the global supply chain more and more inclusive. He outlined WCO's interest was to facilitate speedy delivery of small parcels across borders (as goods ordered online still needed to physically cross borders), whilst ensuring compliance with all regulatory requirements.
6. Turning to the challenges stemming from e-commerce, in particular growing number of low value and small shipments, he mentioned some of the key challenges being faced by Customs administrations in terms of efficient revenue collection, effective risk management, illicit trade, cyber security and illicit financial flows, and underlined the need for enhanced cooperation to prevent this trade channel from being exploited for criminal purposes, including through sharing of advance electronic data. Among others things, mobilisation of resources by governments is an important element in effectively meeting the United Nations Sustainable Development Goals.
7. He also stated that based on the outcomes of the meeting, the WCO Policy Commission and Council would mobilise other WCO bodies to carry out or support related work. Finally, Mr. Mikuriya wished the delegates a successful and results-oriented meeting, and invited them to actively contribute and share their perspectives to enrich discussions.
8. Delegates thanked the Secretary General and the Director for taking the initiative to organise a multi-stakeholder dialogue and bringing them together to discuss cross-cutting issues relating to e-commerce.
9. In conclusion, the WGEC:
 - noted the opening remarks delivered by Mr. Kunio MIKURIYA, the WCO Secretary General; and
 - thanked the WCO for the strategic initiative and leadership on e-commerce by establishing the WGEC.

c) Election of the Co-Chairpersons

10. Mr. Leigh Winchell, Deputy Director Compliance and Enforcement invited nominations for the two Co-Chairpersons (one from Customs administrations and another one from the private sector). Mexico nominated Mr. Gerard Rodrigues from the Australian Border Force for the position of Customs Co-Chairperson, which was supported by New Zealand and others. Afterwards, the representative from GEA nominated Ms. Marianne Rowden, President and CEO of the American Association of Exporters and Importers (AAEI) for the position of private sector Co-Chairperson, which was supported by the US and others.

11. In conclusion, the WGEC:

- elected Mr. Gerard Rodrigues (Australia) and Ms. Marianne Rowden (AAEI) as its Co-Chairpersons.

d) Opening remarks by the Co-Chairpersons

12. Ms. Marianne Rowden thanked delegates and highlighted that there was no easy way to approach e-commerce issues and its impact on trade. She then moved on to briefly introduce the agenda and especially pointed out that the discussions during the meeting and the envisaged intersessional work would be critical to the success of this Working Group.

13. Mr. Gerard Rodrigues also thanked delegates and shared his viewpoint on the main goals of the Working Group in terms of collaborative work on exploring potential opportunities provided by e-commerce while managing associated risks. He encouraged all delegates to freely share their ideas with a focus on tangible outcomes.

14. In conclusion, the WGEC:

- acknowledged the opening remarks made by the Co-Chairpersons.

e) Adoption of the Draft Agenda

Document: EM0001E

15. The Chairperson invited the delegates to reflect on the draft agenda and, if appropriate, adopt it.

16. A delegate suggested Capacity Building as another important topic for the discussion by the Group. The chairperson agreed to include this item for discussion under 'Any Other Business'.

17. In conclusion, the WGEC:

- adopted the agenda noting the suggestion concerning the Capacity Building.

Item II – Terms of Reference of the WCO WGEC

Document: EM0002E

18. The Secretariat presented the Terms of Reference (ToR) of the WGEC, which was endorsed by the WCO Policy Commission and Council at their respective sessions in July 2016. He explained the membership, mandate, key deliverables and means of operation of the Group as outlined in document EM0002E, underlining that the focus of the Group would be on addressing cross-cutting issues in relation to growing cross-border e-commerce, from both a facilitation and a control perspective and in the particular context of business to consumer (B2C) and consumer to consumer (C2C) transactions. He concluded by mentioning that the WGEC was expected to develop a more detailed work programme focusing on specific identified issues for the future work.

19. A delegate from the EU emphasized the importance of intersessional work and noted that the EU would organise a high-level seminar on e-commerce opportunities and challenges for EU Customs administrations, and that they would share the outcomes of the seminar with the Group to support its future work.
20. A delegate mentioned that in his view the Group should remain focussed on working towards practical solutions.
21. In conclusion, the WGEC:
 - took note of the Terms of Reference, as approved by the WCO Policy Commission and Council; and
 - noted the need for developing an action-oriented work programme and related working methodologies to develop collaborative and practical solutions, as appropriate.

Item III - Background and Overview of WCO's work on Cross-border E-commerce

Document: EM0003E

22. The Secretariat provided the background information and latest WCO work in the area of cross-border e-commerce, which included discussions and outcomes of several WCO working bodies, as briefly outlined in document EM0003E.
23. In the wide-ranging discussions that followed, delegates mentioned that Group should have a clear vision on the deliverables and should work towards generating concrete input for other WCO bodies rather than just making general recommendations.
24. A delegate mentioned two key priorities - the fair and equal treatment of goods, (including the issue of *de minimis*) and requirement of advance electronic information on consignments from all operators involved, which according to the delegate, was important for safety and security reasons as well as for duty/tax collection purposes.
25. Another delegate reiterated that having a level playing field for all operators was important for a transparent and sustainable business environment, and underlined the need for information sharing from both sides (industry to Customs and vice versa), to enable the industry to take measures against repeat offenders.
26. Responding to a specific question on whether harmonised data standards also fell within the scope of this Group, the Secretariat replied affirmatively noting that more detailed technical work could also take place in the relevant WCO bodies, for example Information Management Committee (IMSC) and Data Model Project Team (DMPT).
27. The Director encouraged delegates to bring forward tangible input for a successful engagement and outcomes. She stated that it was her expectation that during the course of the conference, delegates would form a clear picture of what sub-groups would be needed to progress specific work packages. She also hoped that delegates would volunteer to participate in any sub-groups that would be identified. She further informed that the report of this Group would be presented to the Permanent Technical Committee (PTC) in October and then to the Policy Commission in early December this year for policy guidance and direction to further refine some deliverables.

28. In conclusion, the WGEC:
- took note of the WCO's ongoing work in the area of e-commerce; and
 - provided input/suggestions to leverage and further develop existing work in the area of e-commerce.

Item IV – E-commerce: Perspectives from other International Bodies

- a) **WTO**
 - b) **UNCTAD**
 - c) **OECD**
 - d) **UNCITRAL**
 - e) **ICC**
29. The WTO representative stated that the e-commerce agenda began in the year 1998 when the WTO instructed the General Council to start a comprehensive work programme to examine all trade-related issues relating to e-commerce. He then continued to explain a wide-range of issues under discussion which included definitions, Customs duties, transparency, localisation, consumer protection, e-signatures, regulatory framework, market access and cooperation with other organizations. Among others, he listed a number of provisions of the WTO Agreement on Trade Facilitation (TFA), in particular articles 3, 7, 10, and 12, and referred to the electronic phytosanitary certification project, known as the ePhyto, being funded by the Standards and Trade Development Facility (STDF,) which he deemed directly supported e-commerce facilitation.
30. The UNCTAD representative presented, among others, its 'eTrade for All' initiative which was launched at the 14th session of the UNCTAD held in Nairobi in July this year, intended to improve the ability of developing countries and countries with economies in transition to use and benefit from e-commerce. She explained how ASYCUDA was supporting digital Customs and a paperless trade environment and highlighted that UNCTAD was already working in collaboration with many organisations including the WCO.
31. The OECD representative outlined its work in the area of e-commerce in particular digital economy projects which included, among others, the research and analysis of e-commerce flows, protecting digital consumers, and combating cross-border fraudulent, misleading and unfair commerce practices. She mentioned that OECD was cognizant of growth factors including the internet and mobile penetration. She went on to highlight the growing sale of banned items online and related initiatives for online product safety.
32. The ICC representative explained economic benefits of growing e-commerce, particularly to SMEs in terms of reducing the cross-border trade cost. He elaborated on ICC's work and perspective on e-commerce, which included several recommendations, for example the consolidated clearance of identical shipments, simplified revenue collection and return procedures, and exploring the possibility of establishing a limited number of HS codes for e-commerce shipments. Concerning the recommendation on HS codes, it was clarified that similar HS tariff rate items could potentially be bundled together under one

“generic” HS tariff heading which would facilitate fixed duty rates and eliminate the need for classifications of individual items.

33. The UNCITRAL representative elucidated, among others, key factors relevant to e-commerce legislation included legal principles on e-contracting; authentication / security (e-signatures); privacy and data protection; data retention and archiving; cybercrime, and electronic evidence. He also outlined frameworks for paperless trade laws and cross-border single windows. According to him, the transition to a paperless environment offered an occasion to review and re-engineer processes and streamline existing laws. It was highlighted that B2B transactions provided a pool of data which could be accessed by governments.
34. In the ensuing discussion, delegates expressed the need for a commonly agreed definition of ‘e-commerce’. A number of facilitation and control challenges such faster clearance of low-value shipments, illicit trade (e.g., weapons, drugs), non-declaration of HS codes, safety and security concerns, and e-currencies (e.g., bitcoins) were also highlighted.
35. A delegate talked about technology neutrality and legal interoperability as building blocks for seamless growth of e-commerce. Another delegate mentioned the need of speedy flow of information between and among all stakeholders in the e-commerce supply chain to efficiently meet respective objectives. Other delegates expressed concern that “generic” HS codes would be actually counterproductive to having a level playing field and presented a risk for the importation of certain restricted goods such as weapons. Thoughts were also given on consumer protection issues in the e-commerce environment.
36. Concerning product safety, enhanced collaboration with all stakeholders including international organisations and health/sanitary authorities was emphasised as a means to ensure compliance with technical standards and Sanitary and Phytosanitary (SPS)/Technical Barriers to Trade measures (TBT) measures based on scientific rationale and to take off banned products from the supply chain.
37. In conclusion, the WGEC:
- took note of the presentations delivered by the WTO, UNCTAD, OECD, UNCITRAL, and ICC and related discussions; and
 - emphasised the need for enhanced collaboration between and among international bodies and other stakeholders to further the work in the area of e-commerce in a harmonised way, by leveraging respective expertise.

Item V – Panel Discussion on Cross-border E-commerce Flows: Opportunities, Challenges, and Potential Solutions

Document: EM0004E

Moderator: WCO

- a) **Canada**
- b) **Alibaba**
- c) **PayPal**
- d) **ICAO**

e) GEA

38. The Moderator, Mrs. Ana B. Hinojosa, Director, Compliance and Facilitation, introduced the speakers and provided a brief background of the panel discussion on cross-border e-commerce flows, which would address opportunities, challenges and potential solutions (document EM0004E). She highlighted, among others, that e-commerce was becoming a key engine to economic growth, providing businesses, in particular Micro, Small and Medium Enterprises (MSMEs) and consumers a very convenient and powerful platform for selling and buying goods with wider choices, advanced shipping, payment and delivery options. Smartphones, mobile applications, and social media have added a new dimension to this phenomenon in terms of evolving e-commerce into what is now known as M-Commerce and S-Commerce.

- i. **Ms. Marie-Pier Nassif**, Manager of the Postal & Courier Programmes, Canada Border Services Agency (CBSA)
- ii. **Mr. Shi Dongwei**, Vice-President, Alibaba Group
- iii. **Ms. Oleksandra Oberemok**, Head of Merchant Cross-Border Trade & the Central, Eastern Europe, Middle East and Africa, PayPal
- iv. **Mr. Sainarayan Ananthanarayan**, Chief Aviation Data Analysis, Air Transport Bureau, International Civil Aviation Organisation (ICAO)
- v. **Mr. Carlos Grau Tanner**, Director-General, Global Express Association (GEA)

39. Panelists addressed, inter alia, the following key issues and provided their thoughts from a diverse perspective including their operational experiences, challenges, and initiatives, which they thought would go a long way in facilitating legitimate trade via e-commerce:

- What are the trade barriers and challenges in terms of leveraging the full potential of cross-border e-commerce?
- What are the key elements which Customs and partner government agencies should consider when developing/adjusting/enhancing their e-commerce strategy?
- Is e-commerce leading to the growth of international trade or just redistribution of otherwise existing growing trade?
- Does the e-commerce environment require potential adaptation/adjustment of Customs and other border regulatory procedures?
- How can cross-border data sharing with suitable data privacy safeguards facilitate e-commerce?
- How can we leverage and synergise new technologies (e.g., Big Data, cloud computing, predictive analytics, machine learning) to facilitate and control growing e-commerce?
- What are the potential opportunities for collaboration among all e-commerce stakeholders in creating a sustainable and efficient e-commerce ecosystem supporting each respective roles and responsibilities?

40. Highlighting the e-commerce growth in Canada (where 40% of Canadians engage with cross-border e-commerce) and particularly the exponential growth in postal items (253% since 2011), Ms. Nassif shared CBSA's e-commerce strategy with short, medium and long-term plans. In particular, she explained the CBSA postal modernisation initiative (PMI) which includes advance electronic data, and related systems, such as the postal operations support tool (POST) and the Customs Declaration System (CDS) . She also provided an overview of the CBSA Courier Low-Value Shipment Programme which was designed to expedite the processing of imported non-prohibited, regulated or controlled goods valued less than \$2,500.
41. Mr. Dongwei (Alibaba) alluded to new and emerging trends in the e-commerce growth, providing several opportunities and possibilities for the mainstreaming of SMEs. Among other things, he stressed the need for further simplification and harmonisation of border clearance procedures and tariffs, including harmonised de minimis thresholds and possible tax and tariff reduction as well as the establishment of a unified single window along with improving related infrastructures. He went on to mention about exploring possibilities of the collection of duties and taxes by e-commerce platforms and then remitting to Customs.
42. Providing a general overview of PayPal activities, Ms. Oberemok adduced the key highlights of their 'Cross-Border Consumer & Merchant Research' on barriers being faced by merchants and consumers in selling and buying goods across borders, which included shipping costs; transparency of total cost (duties and taxes); complicated return and re-import processes; counterfeit goods; identity theft/fraud. She too stressed for harmonization and transparency of Customs procedures to enable better merchant and consumer understanding.
43. Mr. Ananthanarayan (ICAO) mentioned the significant role of the aviation sector in moving the goods ordered online, particularly cross-border B2C e-commerce. He viewed that e-commerce had created new opportunities for the airfreight industry that may bring improved yields to air cargo carriers. In terms of promoting e-commerce and ensuring safety and security with growing number of low-value shipments, he mentioned several instruments (e.g., the Montreal Convention 1999, which provides for electronic documentation) and initiatives (e.g., single window, pre-loading advance cargo information, harmonisation of security programmes: WCO AEO and ICAO Regulated Agent (RA)/Known Consignor). He also touched upon issues relating to liberalised air transport market access, reliable cyber security system, information sharing and Big Data including integration of data sets, where possible, all contributing to the realisation of the full potential of e-commerce growth.
44. Sharing the private sector perspective, Mr. Tanner (GEA) spoke about a TFA+ approach supporting MSMEs in the efficient flow of low-value shipments. He felt that regulatory requirements should not hinder the legitimate e-commerce potential. According to him, the implementation of WCO Immediate Release Guidelines with simplified entry thresholds, minimum data requirements, harmonized de minimis levels, and smart revenue collection methods with periodical (non-transaction based) payment can enhance cross-border e-commerce facilitation.
45. Delegates welcomed the panel discussion on this topic and shared their respective experiences. A delegate mentioned the EU's new Union Customs Code (UCC) which had provisions for dealing with new challenges, for example electronic transmission of advance data.

46. There was general agreement that a harmonized and effective implementation of WCO tools (e.g., Immediate Release Guidelines) and other related international standards would help Customs and businesses alike in leveraging huge opportunities provided by e-commerce as well in addressing new and emerging challenges emanating therefrom.
47. In the wide-ranging discussion that followed, a number of other thoughts emerged, which mainly included the following:
- cooperation among stakeholders to develop concrete proposals and recommendations to address emerging challenges,
 - involvement and buy-in of all government agencies in any new initiative concerning e-commerce,
 - automated risk management of low-value shipments,
 - difficulties in having a harmonised approach on the *de minimis* level, as different countries have different economic peculiarities and business operating environments, and
 - possibility of establishing preferential *de minimis* for developing and least developed countries,
48. The Moderator concluded the session by mentioning that some specific issues raised at the panel would be discussed in detail under related agenda items and thanked the panellists for their valuable insights.
49. In conclusion, the WGEC:
- took note of the panel discussion and related interventions from the floor; and
 - discussed opportunities and challenges stemming from growing e-commerce flows and shared innovative practices/initiatives and potential solutions.

Item VI – Global Supply Chains Safety and Security: the Dark Side of E-commerce

Document: EM0005E

- a) **WCO Electronic Crime Expert Group (CEEG)**
 - b) **TNO (The Netherlands Organization for Applied Scientific Research – training for law enforcement on cybercrime)**
 - c) **The US HSI**
 - d) **Europol**
50. The Secretariat introduced the topic by outlining the challenges posed by growing volumes of e-commerce from a control perspective and particularly in terms of society protection. She indicated that this included criminal exploitation of the e-commerce channel for the sale of drugs, counterfeit and pirated goods, illicit trade in wildlife, weapons and explosives, as well as smuggling of restricted/prohibited goods and illicit financial transfers/money laundering. She also mentioned the discussions and outcomes of the Enforcement Committee in March this year, as briefly outlined in document EM0005E.

51. On behalf of the Chairperson of the Electronic Crime Experts Group, the Secretariat provided delegates with information concerning the scope of work of the group including the outcome of their 14th meeting held in January 2016 in Fairfax, Virginia / USA. He explained that the annual meeting had been attended by specialists on computer forensics and electronic crime of sixteen WCO Members and covered, inter alia, discussions on the Dark Net, virtual currencies /bitcoins, network monitoring tools to identify streaming servers, trade-based money laundering and the US DARTTS system and on soft- and hardware for computer forensics. He stressed that the WGEC should take advantage of the resources available through this specialist group for future work.
52. The TNO representative delivered a presentation focusing on the Dark Web and the means in which criminals exploit it for illegal trade purposes. She continued to explain how data science innovations can be a break-through technology used to counter this emerging threat. Particularly she highlighted the issue of data mining to discover web pages and marketplaces as well big data analytics and Machine Learning. She concluded by outlining their joint project with INTERPOL Cyber Research Lab Singapore as well as the importance of training which they deliver to help police identify the methods and strategies used by organized crime networks and individuals to avoid detection in the web's dark corners.
53. The delegate from the United States HSI explained the importance of applying both reactive and proactive investigations as well as the need for effective exchange of seizure information between agencies. As part of the proactive investigation, he stressed the need to apply intelligence-based Targeting to effectively identify cyber marketplaces, web forums, financial services and shipping methods.
54. The Europol representative explained in detailed how one of the most popular dark web spaces, Tor (also known as the onion router) operated and highlighted the multitude of criminal goods and services that are traded. In responding to the challenges faced when trying to disrupt illegal transactions happening on the dark web, he highlighted the need for the applying a layered approach from an investigation perspective, ranging from traditional policing to the use of specific tools to analyse data seized through operations or following the money of the transaction.
55. In the discussions that followed, the need exchange of information and cooperation not only between government agencies but also with industry was stressed particularly to help the industry to prevent illegal goods from infiltrating legitimate channels.
56. In conclusion, the WGEC:
- took note of presentations and related discussions; and
 - underlined the need of exchange of information and cooperation not only between government agencies but also with industry.

Item VII – Legal and Regulatory Frameworks on Cross-border E-commerce

Document: EM0006E

- a) **Key Outcomes of the WCO Survey**
- b) **Japan**

c) China

57. The WCO Secretariat presented the key outcomes of the WCO survey on Members' current practices and ongoing and/or future initiatives on cross-border low-value e-commerce based on the preliminary analysis of responses received thus far (Doc. EM0006E) and invited suggestions to further enrich this study. The five key areas of survey outcomes were facilitation, risk management, data exchange/cooperation with e-commerce operators, control and enforcement, and revenue collection, outlining respective current practices, issues and challenges, as well as initiatives and potential solutions.
58. Japan presented its regulatory framework on the clearance system for low-value goods, which included the simplified tariff, manifest based clearance, *de minimis* regime, and inspection, at express service providers' premises when needed. Moving on, he noted their initiatives concerning the exchange of advance electronic information for postal items, the promotion of paperless environment and additional benefits for AEOs.
59. China described the development of their regulatory framework on cross-border e-commerce, which included registration of e-platforms (advance information on the order, payment, and delivery), cross-border information management system, consolidated declaration, new tariff system, and ID requirements for personal shipments below the *de minimis* level. It was clarified that there was no penalty for not submitting advance information by e-vendors/platforms but in that case their goods would not be treated as an e-commerce shipment.
60. Concerning a question raised on how to clearly identify whether a shipment is an e-commerce one, it was noted that normally there was no mechanism for Customs and intermediaries/logistics operators to know it, unless specifically informed by the e-platform or the buyer. In the case of Japan, e-commerce companies communicate with Customs which helps them in identifying e-commerce shipments.
61. Delegates reiterated that the transmission of advance electronic information was essential (including on postal shipments) for effective risk management. In this context, the need for strengthening risk management capability and capacity of Customs administration was also mentioned.
62. Another delegate raised a number of issues including workload generated by having to assess duties and tax, physically examine low-value parcels, and dealing with sanctions and penalties.
63. In conclusion, the WGEC:
- took note of the key outcomes of the WCO survey on Members' practices, challenges and initiatives, and respective presentations made by Japan and China; and
 - provided suggestions for further enhancing the study, and encouraged Members and other stakeholders to share more operational experiences and initiatives in the area of cross-border e-commerce.

Item VIII – Cross-border E-commerce Business Models

- a) **eBay**
- b) **Amazon**
- c) **DHL**
- d) **La Poste**

64. eBay explained its business model as a marketplace (not a retailer), largely supporting MSMEs by significantly lowering the cost of distance through a technology-enabled platform. As an example, she mentioned that a 10% increase in distance reduces trade by 18% and 3% respectively in the case of traditional trade and e-platform enabled trade. She explained that businesses were now using eBay as their on-line store which provided lower trade costs.
65. Amazon presented its multiple business models – direct imports and exports; fulfillment by Amazon (FBA), and third party sellers (3P). He continued to explain how they screen their customers to ensure compliance with regulatory requirements and consumer safety. He identified regulatory inconsistency, complex procedures, and erection of new requirements as barriers to e-commerce and recommended for the simplification and harmonisation of regulatory measures and *de minimis* regimes.
66. DHL presented the express service model which equally supported the needs of e-commerce and played an important role in providing an efficient and cost-effective last mile delivery (one shipment to one destination) as well as minimizing warehousing capacity. He viewed the express model as data rich having full transparency and control across the supply chain with strong emphasis on compliance and effective targeting on non-compliant shippers. He emphasized that data exchange requirements should be coupled with appropriate data security safeguards.
67. La Poste explained the postal model which was not an integrated network and heavily relied on the exchange of information between and among posts when it came to cross-border movement of parcels. According to her, investment and innovation are the key to success in terms of dealing with the massive growth in B2C e-commerce flows. She explained how they tackled the e-commerce challenges by increasing the capacity of the network and provided dedicated services for MSME online retailers. She also stated that there was a need to move away from the “at border” method of revenue collection to more efficient models.
68. Delegates noted that e-commerce shipments are normally handled by express couriers or postal operators. A delegate shared how they had been able to access express service providers’ data and make a selection before the arrival of parcels. Another delegate shared its country’s working experiences in terms of submission of ID to check the veracity of importers and the cooperation mechanism with express service providers including their assistance in controlled delivery of parcels containing drugs.
69. Delegates discussed the possibilities of certification of e-platforms as trusted traders and associated challenges in terms of their control and full visibility of their large number of customers and data exchange mechanisms depending on business model. The accreditation of e-platforms would facilitate a large number of their MSMEs and individual customers, who might not be able to individually comply with the requirements of trusted trade programmes.

70. Thoughts were equally given on how the data from different online marketplaces and associated contractual arrangements could be used to encourage compliance by MSMEs, thus supporting them join trusted trader programmes. It was pointed out that the trusted trader/AEO status of intermediaries should also be taken into account in determining risk score of shipments and thus fast-tracking shipments handled by them.
71. There was a keen interest among delegates on how different business models ensured product safety requirements (restricted/regulated/prohibited goods). Responding to it, e-platform/marketplace presenters shared their respective methodologies and processes on how quickly they took out unsafe products, while promoting good sellers as well as their cooperation with relevant agencies at the national and international level. Responding to another question concerning the direct use of bitcoins for online purchase of goods, e-platforms/marketplaces replied negatively.
72. A delegate highlighted the need of 'future proofing' of different business models in view of several regulatory initiatives/adjustments concerning revenue collection and 'de minimis' being undertaken by Customs and Tax authorities.
73. Another delegate mentioned that accuracy of information in the e-commerce environment (in view of a large number of individuals and occasional shippers) needed to be improved to make it useful to all parties.
74. In conclusion, the WGEC:
- took note of different business models as presented by eBay, Amazon, DHL, and La Poste; and
 - agreed to carry out a detailed analysis of various business models with a view to enhancing collective understanding of these business models, roles and responsibilities of each stakeholder, and potential cooperation opportunities in terms of enhancing facilitation and control measures.

Item IX – Trade Facilitation and Risk Management in the E-commerce Context

Document: EM0007E

- a) Digital Customs and E-Commerce**
- **Korea**
 - **UPS**
 - **African Alliance for e-Commerce**
- b) Big Data – Predictive Analytics**
- **The Netherlands**
75. The Secretariat presented document EM0007E, briefly outlining the WCO tools and instruments to facilitate growing e-commerce flows, while ensuring compliance with various regulatory requirements. He mentioned that the simplification and harmonisation of

regulatory requirements, as appropriate and where possible, combined with effective risk management systems and simplified return/refund procedures would provide further support to legitimate cross-border e-commerce flows and at the same time it would also better position Customs administrations to discharge effective controls. To this end, delegates were invited to discuss and share their thoughts on appropriate policy and procedural adjustments including review/update of WCO tools for enhanced facilitation of legitimate shipments through a robust risk management by leveraging ICT and Big data.

76. The delegate from Korea shared their e-commerce-related simplified clearance process with minimum data sets including the requirement of personal identification details (e.g., tel no, address) to control the misuse of these provisions for commercial purposes. He provided an example of advance electronic data exchange from e-vendors and their reuse in terms of automated conversion of a purchase order/invoice into an export declaration through the use of application programming interface (API). He also informed about data sharing with express industry, the use of X-ray images, and corporate registry number and address for risk management.
77. The UPS representative presented their experience and potential thoughts on facilitation of e-commerce shipments including initiatives taken by them to enhance the experience of growing number of customers (one new customer joining every 6 seconds). He went on to suggest, among others, the following: moratorium on any new measures; simplify procedures for low-value shipments in the lines of WCO Immediate Release Guidelines; smart tax collection mechanisms; use of the WCO Cargo Targeting Systems (CTS) for air mode; common simplified entry thresholds; common data elements; and simplified return and drawback procedure. He outlined additional trade facilitation measures such as pre-arrival processing, single-window, disciplines on fees and charges, separation of release from accounting process, AEO, post-clearance audit, risk management, transparency, and consultations leading to economic growth and a “win-win” situation for all.
78. The African Alliance for e-Commerce outlined several challenges hindering e-commerce growth in the Africa region, including lack of trust in online payments, inefficient and expensive IT facilities, psychological barriers and the lack of regional initiatives. He went on to mention several initiatives being undertaken in terms of establishing a robust framework for developing e-commerce in the region fostering regional cooperation for cross-border e-trade. He noted the development of single window environments and the exchange of e-certificate of origin as some examples.
79. The Netherlands delivered a presentation on several “Big Data” initiatives taken by them in terms of digitalization of Customs and regulatory processes through ‘Digipoort’. He explained their new temporary system called ‘Venue’ - a simplified procedure for e-commerce, mobile enabled apps for officers, data pipeline (single access point where all stakeholders can provide information), and the use of predictive analytics to leverage Big data in the Customs environment, and related education and capacity building initiatives with the support of academia.
80. A delegate stressed that no country should be left behind and necessary Capacity Building support should be provided to enable them to take full part in e-commerce, taking into account the realities of respective countries (e.g., internet penetration, legal framework, trade management capabilities).
81. Thoughts were given on delivery destination monitoring mechanisms for personal use, wherein Korea explained that they randomly collect all delivery data which indicated

that many people ordered similar items at one address, thus putting them in cargo selectivity. In this context, it was also noted that distinction between personal use and commercial use was diminishing in the e-commerce environment.

82. Concerning postal items, item level data reporting, screening, and capacity building were identified as major challenges.
83. In conclusion, the WGEC:
- noted presentations delivered by Korea, UPS, African Alliance for e-Commerce, and the Netherlands;
 - discussed potential ways for facilitating the release and clearance of growing e-commerce volumes and associated return and refund procedures, whilst ensuring compliance with regulatory requirements, including through the use of information and communication technologies (ICT);
 - suggested a need for potential development a framework and/or Guidelines to address identified issues on cross-border e-commerce;
 - explored collaborative solutions for ensuring supply chain security and the protection of society through effective risk management and agreed to carry out further work on the use of Big Data analytics;
 - examined potential opportunities of leveraging modern technologies in harmonised and standardised manner for enhancing paperless trade environment for further supporting e-commerce and provided suggestions in terms of moving forward; and
 - indicated the need for a potential update of the WCO Immediate Release Guidelines to reflect new realities emanating from growing e-commerce and provided related inputs.

Item X – Electronic Interface and Exchange of Information

Document: EM0008E

- a) **The UK**
 - b) **Amazon**
 - c) **Alibaba**
84. The Secretariat briefly explained the contents of document EM0008E, emphasizing the need for seamless interoperability of IT systems and the exchange of advance electronic information from one end of the supply chain to another in a coherent manner benefiting trade and Customs alike to efficiently meet respective objectives. Delegates were invited to explore related potential opportunities.
85. The UK HMRC presented the initiative on the electronic interface and exchange of information with Royal Mail (postal operator) by using the Customs Declaration System (CDS) which was being piloted together with Border Force since June 2015. He explained several features of the CDS, for example the HS lookup directory, linking data with

packages using barcodes. Key challenges included the availability of data, cost of data capture, data quality, and jurisdiction complexities.

86. The representative from Amazon provided a presentation on the potential opportunities of Direct Data Exchange (DDE) between e-platforms and Customs and other stakeholders by using, among others, application program interfaces (APIs). He elucidated benefits of DDE such as predictability, transparency of cost prior to shipping and fast tracking of shipments upon arrival. He opined that such trusted and speedy data exchange would also expedite return procedures including other government agencies' requirements and drawback procedure. Possible solutions included preferred clearance channels, simplified return processes, duty payment only once and raised and harmonized *de minimis*.
87. The representative from Alibaba presented the concept of Cross-Border E-Commerce Comprehensive Pilot Zone (Hangzhou, China) and "One Touch" platform providing data sharing ecosystem. He explained their e-commerce closed loop and big data applications providing a common platform for commercial, financial, and regulatory information flows.
88. Delegates noted that standardisation and harmonisation of data and exchange mechanisms together with data security and protection was the key to creating a sustainable and scalable information ecosystem to support e-commerce from facilitation and control perspectives. A delegate underlined the need of "data discipline" and "data quality" for enabling and promoting e-commerce. In this context, it was important to identify data nodes/access point depending on who had adequate data.
89. Another delegate mentioned that with the advancement in technology and proliferation of small IT service providers, there is a need for developing guidelines for harmonised implementation of IT solutions to ensure seamless interoperability (semantics, syntax, IT, and legal interoperability). Equally important is developing global standards for business processes, for example alignment of shipment reference number – Airway Bill, S10 barcode.
90. In conclusion, the WGEC:
- took note of the presentations made by the UK, Amazon, and Alibaba concerning ongoing working experiences/initiatives/pilots and future possibilities in terms of the exchange of information between e-commerce stakeholders and Customs and other regulatory authorities;
 - discussed and provided thoughts on potential opportunities in terms of establishing/enhancing connectivity and exchange of information in the e-commerce domain in a standardised and harmonised manner together with data security and protection;
 - agreed to carry out exploratory work on developing related global standards/guidelines, as appropriate; and
 - emphasised the prioritisation of the exchange of advance electronic information between posts and Customs based on the WCO-UPU joint messaging standards.

Item XI – Revenue Collection on low-value cross-border e-commerceDocument: EM0009E

- a) **OECD**
- b) **Australia**
- c) **The EU**
- d) **India**
- e) **The Dominican Republic**
- f) **Creatoi Innovation Labs**

91. The Secretariat introduced document EM0009E providing the background to the agenda item, including a number of challenges in the collection of duties and taxes on cross-border low-value e-commerce shipments concerning *de minimis*, classification, valuation, origin, and growing number of shipper and buyer's details. In this context, she also informed the exploratory work on alternate models of revenue collection which was undertaken by the OCED with the support of the WCO.
92. The OECD presented digital economy challenges including the application of existing international tax rules in the context of the Base Erosion and Profit Shifting (BEPS) Project. He noted key policy concerns as growing VAT revenue losses; competitive distortion (incentive for domestic retailers to relocate offshore); and adverse impact on employment and direct tax revenues. He then explained alternate revenue collection models (e.g. purchaser collection model, vendor collection model, intermediary collection model) for the collection of VAT on low-value B2C shipments, published last year as part of the BEPS Action 1 Report on Addressing the Tax Challenges of the Digital Economy.
93. The Australian Border Force shared their experiences and initiatives on the revenue collection on cross-border low-value shipments, and presented its vendor collection model for GST. This model provides for overseas vendors (having turnover more than A\$75,000 of low-value goods, i.e. items A\$1,000 and under, to Australian consumers) to register, collect and remit the GST to the Australian Taxation Office. He clarified that goods valued over A\$1,000 will continue to have GST collected at the border together with duties.
94. The European Union presented EU's Digital Single Market Strategy which included modernising VAT for e-commerce. In view of the significant increase in number of small consignments in the EU, she explained the envisaged VAT measures for e-commerce, including low value consignments. It will include the elimination of *de minimis* threshold for VAT (keeping the Customs *de minimis*) and using simplified procedures for declaring and paying VAT on all goods of a low value (up to 150 euros) focusing on advance VAT collection through alternate models of revenue collection accompanied by the extension of Mini One Stop Shop (MOSS) for the single electronic registration and payment mechanism to intra-EU and 3rd country online sales of tangible goods. A simplified fallback mechanism will also be eligible in case advance VAT collection is not chosen by sellers, facilitated by electronic information to be sent with all consignments destined for the EU.
95. India presented an interesting case study on duty evasion through undervaluation by a group of related companies selling goods online. He explained the *modus operandi*

which in addition to under-valuation also included misdeclaration of goods as gifts and misdeclaration of the quantity of goods. He continued how the scrutiny of records from e-vendors Customer Relation management (CRM) database revealed two sets of records of actual as well as undervalued invoices in respect each transaction.

96. The Dominican Republic presented its legal framework that governed the import of express packages, associated procedures, and de minimis regime. Under-valuation, splitting of consignments, incomplete, inaccurate and false data were identified as key challenges in revenue collection. In terms of next steps, she outlined the following - implementation of automated risk analysis system; exchange of information; and monitoring and analysis of good practices and international experiences.
97. Creatoi Innovation Labs explained merits and demerits of various alternate models of revenue collection (vendor collection, border collection, third-party collection, and customer collection). They went on to present the technology driven consumer collection model - Pay As You Shop (PAYS) collection system which according to them provided benefits to all parties in terms collecting VAT efficiently and effectively, fraud monitoring, faster and more efficient way to process incoming goods, speedy delivery of shipments with no change in the process for logistics operators/intermediaries.
98. Delegates from the private sector emphasised for a flexible and simple model for revenue collection through a balanced approach not creating any artificial barrier for e-commerce, noting that potential loss of revenue increasing low-value shipments should be seen in the context of larger economic benefits in terms of economic growth, employment, and wider choices for consumers. Clear differentiation between non-collection of revenue below specified thresholds and frauds should be made in any policy decision.
99. Delegates highlighted that notwithstanding the method of revenue collection, the cost of collection should not be more the actual revenue realised. Level playing field for domestic retailers should be another consideration together with a fair, transparent, consistent, and non-discriminatory "*de minimis*" regime applicable to all actors in the supply chain.
100. Delegates also discussed how e-platforms/vendors and actors in the e-commerce supply chain carry out identity verification/validation of growing number of individuals and MSMEs. It was also noted that there is a difference in 'low-value shipments' and 'small shipments', as small shipments can also be of very high value.
101. In the context of presentations made by the OECD, Australia, the EU, and Creatoi Innovation Labs, delegates discussed pros and cons and applicability of these models or a combination thereof in different economic environments, noting that any alternate model should clearly delineate role and responsibilities (including subsidiary liabilities) of each stakeholder and fallback procedures, for example in the vendor collection model who would be responsible for shipments under registration threshold and what would happen if the buyer refused to pay and accept the parcel.
102. The need for consultation with all stakeholders including intermediaries was eluded to so as not cast any undue burden on them and also to leverage economic benefits through fair and legitimate e-commerce. A delegate also mentioned for a detailed analysis and research on the impact of alternate models on the industry and government.

103. In conclusion, the WGEC:

- took note of the presentations by the OECD, Australia, the EU, India, the Dominican Republic, and Creatoi Innovation Labs sharing respective models, practices/working experiences, and initiatives relating to revenue collection on e-commerce;
- discussed issues and challenges in terms of revenue collection on low-value cross-border e-commerce and explored potential solutions in terms of information exchange, effective risk management, and identity management of growing streams of buyers/sellers (individuals and MSMEs);
- reflected on the alternate models of revenue collection for low-value cross-border e-commerce and shared thoughts on their potential impact on the industry and government; and
- indicated to carry out future work on the potential development of guidance materials on establishing/enhancing simple, fair, transparent and effective revenue collection mechanisms.
- Noted that key issues and challenges identified so far during the meeting appeared to fall into a number of sub-groups and these would form the basis for intersessional work.

Item XII – Intersessional Work Programme

104. The Co-Chairpersons invited the attention of the delegates to four broad categories of issues (I. Trade Facilitation and Simplification of Procedures; II. Safety and Security; III. Revenue Collection; and IV. Measurement and Analysis) which emanated from the discussions and suggestions made by delegates under different agenda items for the future intersessional work in a sustained and time bound manner. These 4 categories were open to further suggestions as well as respective volunteers to set up a sub-group for each of those topics. The Co-Chairs encouraged delegates from Customs, the private sector, international organisations, and academia to support the work of various sub-groups in the true spirit of collaboration.

105. Delegates appreciated a comprehensive organisation of several streams of envisaged work under four blocks as a good starting point which could be enhanced as work progressed. It was noted that many items are cross-cutting and interlinked which would require close cooperation between and among respective sub-groups to avoid any potential duplication. Sub-groups on 'Revenue Collection' and 'Safety and Security' can also act as a think tank and feed their ideas on challenges and threats into sub-group on 'Trade Facilitation and Simplification of Procedures'.

106. There was a broad consensus that future work should focus on cross-border business-to-consumer (B2C) and consumer-to-consumer (C2C) low-value shipments, where order, payment, and delivery instructions are made online but goods are 'physically delivered'. Many delegates supported the proposal to undertake intersessional work through active contribution to the work of sub-groups and expressed a willingness to volunteer.

107. The Secretariat explained the working process of these sub-groups on the WCO CLiKC platform and clarified that all members have access to each of these sub-groups. Normally, these sub-groups will carry out their work virtually, however, a face-to-face meeting could be held, when required.
108. The WCO Director, Compliance and Facilitation reminded that the work of this Group and sub-groups set up hereunder will be respectively reported to the Permanent Technical Committee (PTC) (October 2016 and April 2017), Policy Commission (December 2016), Enforcement Committee (March 2017), and finally to the Policy Commission and Council (July 2017).
109. In conclusion, the WGEC:
- Identified four priority areas for the intersessional work and set up four sub-groups with respective leads and members;
 - invited other delegates who may be interested in joining the sub-groups to contact the Secretariat at the earliest; and
 - encouraged to advance the work on identifies items by leveraging expertise and domain knowledge of Customs administrations, the private sector, and international organisations.
110. ***The four priority areas for the intersessional along with respective sub-group leads and members are set out in Annex I to the Report.***

Item XIII – Any other Business

111. Concerning the issue of Capacity Building raised by some delegates, the WCO Director Compliance and Facilitation informed that during the year 2016-17 the WCO has planned organising six regional workshops on e-commerce and Digital Customs for each of six WCO regions (North of Africa, near and Middle East; West and Central Africa; East and Southern Africa; South America, North America, Central America and the Caribbean; Europe; and Far East, South and South East Asia, Australasia and the Pacific Islands). She also noted potential opportunities for collaboration with the private sector, development partners, and academia in the delivery of these and other Capacity Building programmes.
112. A draft definition of ‘e-commerce’ was proposed by the WCO as follows:
- “Cross-border Business to Consumer (B2C) and Consumer to Consumer (C2C) physical consignments of value/duty below which no duties/taxes are collected or under which no full Customs declaration/formalities are required”.*
113. In conclusion, the WGEC:
- took note of the WCO’s initiatives and envisaged Capacity Building programmes in the area of e-commerce and Digital Customs with the potential support from the private sector, development partners, and academia.
 - took note of the proposed definition of e-commerce and undertook to this into account for further consideration in the relevant sub-group.

Item XIV – Closing

114. The WCO Director, Compliance and Facilitation thanked both Co-Chairs and delegates for their valuable contributions and the extensive work done at the meeting. She especially appreciated the joint working of Customs, international organisations, and private sector delegates during the meeting, enriching the quality of the discussions from a diverse perspective. The professional and hard work of the interpreters was also acknowledged and appreciated.
115. The Co-Chairpersons thanked all the delegates for their active and constructive participation throughout the meeting, which, among others, clearly identified the future way forward. They also thanked the Secretariat for the successful organisation of the 1st WGEC meeting and closed the meeting.
116. ***All presentations held at the meeting can be found on the WCO Members' website under the 1st meeting of the Working Group on E-Commerce via the following link: http://www.wcoomd.org/meetings/facilitationprocedures/working-group-on-ecommerce/ecommerce_group/meeting_0001/English/presentations.aspx***
117. ***The list of participants is reproduced at Annex II hereto.***

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Priority Areas for the Intersessional Work

Co-Chairs: Gerard RODRIGUES (Australia) and Marianne ROWDEN (PSCG)

<h3>I. Trade Facilitation and Simplification of Procedures</h3>	<p><u>Leads</u></p> <ol style="list-style-type: none"> 1. EU 2. Canada 3. GEA 4. IFCBA <p><u>Sub-group members</u></p> <ol style="list-style-type: none"> 1. African Alliance for e-Commerce 2. Alibaba 3. Amazon 4. Belgium 5. Brazil 6. China 7. Denmark 8. EEC 9. Egypt 10. FIATA 11. France 12. Greece 13. Google 14. IATA 15. ICAO 16. ICC 17. Japan 18. Korea 19. La Poste 20. Luxembourg 21. Malaysia 22. The Netherlands 23. New Zealand 24. Nigeria 25. Norway 26. Poland 27. South Africa 28. Sweden 29. Switzerland 30. Thailand 31. TIACA 32. UPU 33. US 34. UNCTAD 35. University of Munster 36. World Bank 37. WTO 	<h3>II. Safety and Security</h3>	<p><u>Leads</u></p> <ol style="list-style-type: none"> 1. US 2. IATA 3. FIATA <p><u>Sub-group members</u></p> <ol style="list-style-type: none"> 1. Canada 2. China 3. EU 4. EEC 5. Finland 6. GEA 7. Greece 8. ICAO 9. India 10. Ireland 11. Israel 12. La Poste 13. Morocco 14. The Netherlands 15. Nigeria 16. RILO A/P 17. South Africa 18. Spain 19. Sweden 20. Switzerland 21. TIACA 22. UPU 23. WTO
<ul style="list-style-type: none"> ○ Definitions ○ Legislation ○ Automated systems – Single Window (OGAs) ○ Exchange of advance electronic data (<i>interoperability, minimum data sets, data quality, data privacy</i>) ○ Trusted Trader/AEO programme for e-vendors marketplaces and intermediaries –enhanced facilitation ○ Framework /guidelines/standards – harmonization and support to MSMEs ○ Return/refund (drawback) processes ○ Implementation and review/update of WCO Immediate Release Guidelines and other related tools 		<ul style="list-style-type: none"> ○ Product safety ○ Illicit trade ○ Quarantine/bio-security ○ Dark web/net ○ Cyber security ○ Illicit Financial Flows – tracking financial trails ○ Cooperation and information exchange between Customs administrations ○ Smuggling of high-value items and environmentally sensitive goods ○ Non-intrusive inspection (NII) technologies ○ Review/update of relevant tools ○ Case studies 	

Priority Areas for the Intersessional Work

Co-Chairs: Gerard RODRIGUES (Australia) and Marianne ROWDEN (PSCG)

<h3 style="margin: 0;">III. Revenue Collection</h3> <ul style="list-style-type: none"> ○ De minimis ○ Simplified entry threshold ○ Classification, valuation, origin issues ○ HS Navigator, integrated tariff database ○ Transactional approach vs account based approach ○ Alternate models of revenue collection (including impact analysis on the industry and government) ○ Fees and charges ○ Cooperation amongst authorities (Customs and Tax) 	<p><u>Leads</u></p> <ol style="list-style-type: none"> 1. France 2. ICC <p><u>Sub-group members</u></p> <ol style="list-style-type: none"> 1. Amazon 2. Brazil 3. Canada 4. China 5. Creatoi Innovation Labs 6. Denmark 7. EEC 8. EU 9. GEA 10. Greece 11. IFCBA 12. La Poste 13. The Netherlands 14. Norway 15. OIC 16. Palestine 17. Poland 18. South Africa 19. Swaziland 20. Ukraine 21. UK 22. UPU 23. Vietnam 24. World Bank 25. WTO 	<h3 style="margin: 0;">IV. Measurement and Analysis</h3> <ul style="list-style-type: none"> ○ Big Data ○ Stocktake and analysis of work currently being undertaken by international bodies ○ Research and analysis of various e-commerce business models – case studies ○ Measuring e-commerce flows and economic benefits ○ Capacity Building, awareness, and education – implementation support 	<p><u>Leads</u></p> <ol style="list-style-type: none"> 1. Benin <p><u>Sub-group members</u></p> <ol style="list-style-type: none"> 1. Alibaba 2. China 3. eBay 4. Egypt 5. EU 6. EEC 7. GEA 8. Greece 9. IATA 10. ICAO 11. Italy 12. The Netherlands 13. OECD 14. RILO Central Africa 15. TIACA 16. UNCTAD 17. UPU 18. WTO
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