

ARISE Plus Malaysia

Output 1

Strengthened institutional capacities to formulate and implement trade policies aligned with ASEAN and international commitments.

Activity 1.4

Build capacities of MITI, related bodies and relevant sectoral business associations, on E-commerce regulatory framework and practices in relation to WTO and FTA negotiations.

CONCEPT NOTE ON ACTIVITY 1.4

DIGITAL TRADE LAW RELATED SUPPORT FOR MALAYSIA'S PUBLIC SECTOR:

WORKSHOPS ON EU DIGITAL SERVICES ACT, ARTIFICIAL INTELLIGENCE, COMPETITION IN DIGITAL MARKETS AND EU APPROACHES TO ENHANCING DIGITAL CONSUMERS PROTECTION

1. BACKGROUND

The International Trade Centre (hereafter ITC) is the joint agency of the World Trade Organization (WTO) and United Nations (UN). The only multilateral agency fully dedicated to supporting the internationalization of Small and Medium Enterprises (SMEs), ITC seeks to foster their inclusive and sustainable growth and development by promoting trade and international business. ITC projects and programmes contribute to the global efforts to achieve UN Global Goals for Sustainable Development.

Since February 2021, ITC is implementing the "Malaysia: Trade Related Technical Assistance (ARISE Plus Malaysia)"¹ project funded by the European Union (EU). The project aims to support inclusive and sustainable trade growth in Malaysia, while contributing to economic integration in the Association of Southeast Asian Nations (ASEAN) region. It supports the 12th Malaysia Plan and contributes to the objectives of the "EU strategy on connecting Europe and Asia".

The specific objectives of the project are:

- Outcome 1: Trade policy formulation and implementation is aligned with regional (ASEAN) and international commitments;
- Outcome 2: Quality Infrastructure System (including standards, certification and metrology) is aligned with ASEAN and EU standards; and,
- Outcome 3: Sustainable practices in the agri-food sector (agriculture and fisheries) is enhanced and disseminated, in line with ASEAN, international and EU standards.

For that purpose, the project is composed of the following three expected results (outputs):

- Output 1: Strengthened institutional capacities to formulate and implement trade policies aligned with ASEAN and international commitments;

¹ More information on the project available at: [Malaysia: Trade-Related Assistance \(Arise + Malaysia\) | ITC \(intracen.org\)](https://intracen.org/en/malaysia-trade-related-technical-assistance-arise-plus-malaysia)

- Output 2: Enhanced capacity to develop and implement a quality infrastructure system (standards, certification and metrology) compliant with ASEAN and EU commitments and practices; and,
- Output 3: Enhanced understanding and implementation of sustainable production standards and practices in agriculture and fisheries.

Under the scope of Output 1, the following five activities are implemented:

- Activity 1.1: Build capacities of MITI, related bodies and selected Malaysian exporters, on emerging regulatory/operational requirements in trade policy regime and practices in Free Trade Agreements (hereafter FTAs);
- Activity 1.2: Build capacities of MITI and other line ministries and provide advisory services on investment related aspects such as international investment dispute settlement;
- Activity 1.3: Build capacities and consensus building on a strengthened system of Rules of Origin in line with international standards;
- Activity 1.4: Build capacities of MITI, related bodies and relevant sectoral business associations, on E-commerce regulatory framework and practices in relation to WTO and FTA negotiations; and
- Activity 1.5: Build capacities for MITI, related bodies and relevant sectoral business associations, to conduct impact assessments on Malaysia's trade and investment policies.

This concept note falls under the scope of sub-activities that will be implemented under Activity 1.4.

2. OBJECTIVE OF ACTIVITY 1.4

Activity 1.4 aims to enhance the understanding and raise awareness of MITI and relevant stakeholders on the e-commerce regulatory framework developments and practices in trade agreements.

In Malaysia, e-commerce is seen to be a relatively new phenomenon, taking off only in the 1990s when the enabling technology became more user-friendly. Since then, e-commerce has expanded in an exponential manner particularly during and post Covid 19. Although certain laws and regulations have been updated since the 1990s and 2000s, these may need to be further enhanced to ensure the safety and reliability of e-commerce and to preserve the confidence and trust of customers and merchants in the whole e-commerce value chain.

Therefore, an Advisory Services session will be held on **10 November 2023**. The advisory services session will gather the main national institutions and regulators in charge of the Malaysian digital/e-commerce regulatory framework. The aim is to enhance coordination among agencies and seek for different solutions to the legal hurdles that e-commerce MSMEs might experience in their daily business operations.

3. AGENDA

**Advisory Services on “Enhancing Coordination Among Agencies”
(10 November 2023)**

Venue: Kenanga Meeting Room, Level 28, MITI Tower, Kuala Lumpur

Suggested Participants: Public Sector involved in the Digital Economy

Registration Link: <https://forms.gle/XXNSZTRpbSRCR6w37>

Advisory Services on “Enhancing Coordination Among Agencies”, 10 November 2023	
9:00 – 10:00	Session 1: Opening Remarks and ITC Findings <i>Speakers: ITC and MITI</i> <i>Review of ITC findings on e-commerce governance</i>
10:00 – 11:00	Session 2: Assessment of e-commerce governance <i>worldwide ITC Consultant</i>
11:00 – 11:15	Break
11:15 – 12:15	Session 2: Open Discussion on Malaysian e-commerce governance <i>Discussion on improving internal governance</i> <i>Meeting recap, advisory recommendations</i>

ABOUT THE EXPERT



Michael Allen Geist is a Canadian academic, the Canada Research Chair in Internet and E-Commerce Law at the University of Ottawa and a member of the Centre for Law, Technology and Society. He received a Master of Law and Doctor of Law Degree from Columbia Law School. During his academic career, he has been a visiting professor at universities around the world including the University of Haifa, Hong Kong University, and Tel Aviv University. He is also a senior fellow at the Centre for International Governance Innovation.

Geist is the editor of many books on digital law. He is a regular columnist in *The Globe and Mail*, the editor of several monthly technology law publications, and the author of www.michaelgeist.ca, a popular blog on the Internet and intellectual property law issues.

Geist serves on many boards, including Ingenium, Internet Archive Canada, and the EFF Advisory Board. He has received numerous awards and has advised governments worldwide on intellectual property and digital trade issues associated with trade agreements.