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Conference Paper

Strengthening e-commerce in the Asia-Pacific region: Opportunities and challenges

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Strengthening e-commerce in the Asia-Pacific region: Opportunities and challenges

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What policy measures might contribute to greater use of e-commerce within the Asia-Pacific region, especially on a cross-border basis? What are the potential benefits, versus the potential costs? How feasible might it be to implement such measures?

Surveys of consumers and merchants suggest that the Asia Pacific region is subject to challenges similar to those in Europe, where cross-border e-commerce has been a major policy focus for the past few years. We attempt in this paper to make a preliminary assessment of the applicability of European approaches to the strengthening of e-commerce in the Asia Pacific region.

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1. Introduction

What policy measures might contribute to greater use of e-commerce within the Asia-Pacific region, especially on a cross-border basis? What are the potential benefits, versus the potential costs? How feasible might it be to implement such measures?

1.1.The problem

Given that Asia is the wold's leading region for e-commerce, one might well imagine that this is a non-issue. As we explain in Chapter 2, however, if one subtracts the influence of China, Asia looks to be rather weak as an e-commerce player, both on the supply and on the demand side.

Surveys of consumers and merchants suggest similar problems in the Asia Pacific region to those in Europe (see again Chapter 2), where cross-border e-commerce has been a major policy focus for the past few years. We attempt in this paper to make a preliminary assessment of the applicability of European approaches to the strengthening of e-commerce in the Asia Pacific region.

1.2. What do we mean by Asia Pacific?

Asia Pacific has different meanings in different contexts. Our focus in this paper is on East Asian and Southeast Asian countries west of the Pacific. We thus include China, South Korea, Japan, and the ASEAN countries. We also include Australia, New Zealand and India.

We explicitly exclude Russia and countries in North, Central, and South America from the scope of Asia Pacific for purposes of this paper.

1.3.Methodology

Our approach to the work reflects the European *better regulation* policy analysis techniques that are used to develop ex ante regulatory impact assessments (i.e. an assessment of expected costs and benefits before a regulatory intervention is undertaken).

Our evidence base benefits from desk research, the first-hand experience of the authors in the region, and discussions with stakeholders.

For each of the identified problem areas, we have considered what kind of multi-lateral policy instruments (i.e. *action lines*) might profitably be used to address it. The European legislative measures currently under consideration serve as a starting point, but few of these could be directly applicable in the Asia Pacific region. For each potential action line, we reflect on the situation among various constellations of Asia-Pacific countries, and the mechanisms potentially available for multi-lateral cooperation, bearing in mind that the Asia-Pacific region does not generally have institutions that enable coordination as intense as that provided by the European Union. Among relevant mechanisms, we are considering the provisions of the TPP (which cannot enter into force in its present form, but is likely to be salvaged in some form by the remaining 11 signatories), as well as the Regional Comprehensive Economic Partnership (RCEP) (which includes the ten ASEAN countries plus Australia, China, India, Japan, South Korea and New Zealand) as possible implementation vehicles.

¹ CNBC (2017), TPP nations agree to pursue trade deal without US.

Taking all of this into account, we are making preliminary assessments of potential costs and benefits, and will identify findings and conclusions.

1.4. Structure of this paper

Chapter 2 provides general background, while Chapter 3 discusses an empirical analysis of equivalent benefits in the EU. Chapter 4 summarises the state of e-commerce in selected countries, while Chapter 5 discusses impediments to e-commerce in the region and potential means to address them.

2. Background

It is manifest that opportunities exist to capitalise on regional strengths so as to enhance societal welfare in the Asia-Pacific region.² With the decision of the US to withdraw from the Trans-Pacific Partnership (TPP),³ however, there is a both a need and an opportunity for some re-thinking.

Expanding e-commerce so as to take advantage of potential synergies and scale economies in the region is just such an opportunity.

At first blush, one might imagine that the Asia-Pacific region is performing well, and that there is little scope for improvement. Business-to-consumer (B2C) e-commerce revenues in the Asia-Pacific region are greater than those in either North America or Europe (\$1,057bn versus \$644bn and \$505bn USD, respectively), representing 47% of global e-commerce turnover; moreover, the growth rate in Asia-Pacific is greater than in North America or Europe.⁴

This apparent strength serves however to mask significant opportunities to do substantially better. First, three quarters of all e-commerce turnover in the region is in China, meaning that most other countries in the region are failing to achieve their full potential. Second, the majority of current sales volumes in the region are for domestic sales⁵ – cross-border is substantially underperforming relative to potential. The missed opportunity is large.

China is in many respects an e-commerce powerhouse, both in the frequency with which the Chinese shop online (see Figure 1) and in the value of exports to other countries (see Figure 2). Other countries in the region are far less visible in e-commerce. In Japan, for instance, less than 7% of retail sales are estimated to be via e-commerce, far less than in China.

² Enhanced economic integration has been a long-standing hope or goal in the region, as embodied in the Transpacific Economic Partnership Agreement, the APEC Trade Facilitation Action Plan (TFAPI), the proposed Free Trade Area of the Asia-Pacific (FTAAP), and more generally the Association of Southeast Asian Nations (ASEAN).

³ Donald J Trump (2017), "Presidential Memorandum Regarding Withdrawal of the United States from the Trans-Pacific Partnership Negotiations and Agreement", at https://www.whitehouse.gov/the-press-office/2017/01/23/presidential-memorandum-regarding-withdrawal-united-states-trans-pacific. Indications are that TPP will nonetheless proceed with the other 11 signatories. CNBC (2017), TPP nations agree to pursue trade deal without US.

⁴ Ecommerce Foundation (2017), "Global B2C E-commerce Report 2016".

⁵ Ecommerce Foundation (2016), "Global B2C E-commerce in Brief", page 19.

Once a week Once every 2 weeks Once a month Around 2-3 times a quarter Once every 3 months

| 5% | 4% | 4% | 3% | 10% | 11% | 8% | 7% | 12% | 11% | 14% | 10% | 20% | 11% | 17% | 17% | 16% | 13% | 13% | 17% | 15% | 16% | 12% | 18% | 18% | 20% | 23% | 18% | 18% | 18% | 24% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 26% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24% | 24

Figure 1. Frequency of purchase of goods online (2017).

Source: International Postal Corporation (2017), IPC Cross-border e-shopper survey⁶

w often have you purchased physical goods online (excluding groceries)?

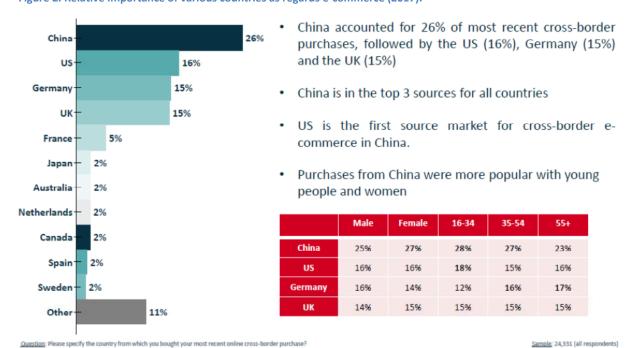


Figure 2. Relative importance of various countries as regards e-commerce (2017).

Source: International Postal Corporation (2017), IPC Cross-border e-shopper survey⁷

Sample: 24,331 (all respondents)

⁶ Presentation at Forum Europe / EMOTA e-commerce conference, Brussels, May 2017.

3. Potential benefits of enhanced cross-border e-commerce sales

Challenges to cross-border e-commerce have been extensively studied in Europe, and the results translate in a straightforward way to the Asia-Pacific region. A noteworthy recent study using state-of-the-art analytic techniques found that if e-commerce sales in the European Union were as easy and cost-effective as domestic sales, retail prices would decrease across in all countries, both online (-1% on average) and offline (-0.5% on average). Consumer surplus (CS) in the EU would increase by 1.2%, primarily based on the reduction in the price paid for goods and to a lesser degree on the ability of consumers to choose from a wider range of goods and services. They also find an increase of producer surplus (PS) of 1.4%, not only by reason of increased consumption due to price elasticity of demand, but also due to reduced costs of supply — many purchases that are made from "brick and mortar" retailers today would instead be made online. The cost of producing the goods would be unchanged, but the cost of making the sale online would be less than the cost of making the equivalent sale offline.⁸

⁷ Presentation at Forum Europe / EMOTA e-commerce conference, Brussels, May 2017.

⁸ Duch-Brown, N. and B. Martens (2016), "The Welfare effects of lifting geoblocking restrictions in the EU Digital single Market", JRC/IPTS Digital Economy Working Paper.

4. Developments in selected Asia Pacific countries

In this chapter, we review e-commerce developments in selected countries in the region.

4.1.China

According to the report of Enfodesk, Analysis International⁹, the size of the B2C market in 2016Q4 was 830.62 billion yuan, up by 28.9% from the previous year. The total volume of e-commerce market was 1.40042 trillion yuan, which is 118.9% of the previous year.



As for the cross border e-commerce, the volume in 2016Q4 was estimated to 95.71 billion yuan, up by 37.7% from the previous quarter.



One of the most interesting developments from China is a private-sector initiative concerning cross-border e-commerce. Alibaba Group launched its Electronic World Trade Platform (eWTP) initiative in 2016. It aims to facilitate cross-border trade for SMEs, by removing some of the obstacles that make them reluctant to sell online to foreign buyers. This includes helping SMEs establish e-fulfilment hubs in their home country, as well as assisting with matters such as e-payment. There is even the potential for foreign governments to agree to digital free-trade zones, where regulation is kept to a minimum. The first eWTP digital free-trade zone (between China and Malaysia) was announced in March 2017.¹⁰

⁹ http://www.eguan.jp/2017/03/07/16q4b2c.html, http://www.eguan.jp/2017/03/30/16q4overseaec.html

¹⁰ Brennan, T., 'eWTP finds first overseas base in Malaysia', 22 March 2017, at http://www.alizila.com/ewtp-finds-base-malaysia/

4.2.Japan

According to the Ministry of Economy, Trade and Industry¹¹, in 2016, the market scale of the domestic B2C e-commerce and B2B e-commerce expanded to 15.1 trillion yen (up by 9.9% from the previous year) and 204 trillion yen (up by 1.2% from the previous year), respectively.

The ratio of the e-commerce market scale to the total amount of overall commercial transactions were 5.43% (up by 0.68 % points from the previous year) in the B2C sector and 19.8% (up by 0.6 % points from the previous year) in the B2B sector. E-commerce in Japan is thus on an increasing trend and the computerization of commercial transactions continues to advance.



In the domestic C2C e-commerce market, it was estimated that the volume of Internet auction was 345.8 billion yen and the transaction over flea-market apps was 305.2 billion yen.

It was also estimated that, in 2016, the amount purchased through cross-border e-commerce by Japanese consumers from U.S. and Chinese firms was 240 billion yen (up by 7.5% from the previous year), while that by U.S. consumers from Japanese and Chinese firms was 1 trillion yen (up by 15.2% from the previous year), and that by Chinese consumers from Japanese and U.S firms was 2.2 trillion yen (up by 32.6% from the previous year).

Furthermore, the volume of cross-border e-commerce among these three nations in 2019, compared to the volume in 2015, was estimated to be 150% in Japan, 160% in the US, and 290% in China. And the total amount will be 6.6 trillion yen by 2019.

4.3.India

India has perhaps the most potential for growth in Asia-Pacific e-commerce, as its citizens catch up with their neighbours in terms of access to the Internet, and transition from a traditionally cashbased culture. A 2015 study commissioned by PayPal estimated that by 2017, total online spending in India would grow to 7.029 trillion rupees (US\$105.74 billion), a 261% increase from 2014. Of this,

¹¹ http://www.meti.go.jp/press/2017/04/20170424001/20170424001.html, http://www.meti.go.jp/english/press/2016/0614 02.html

¹² See 'Paypal Cross-Border Consumer Research 2015', 2015, undertaken by Ipsos MORI, at https://www.ipsos.com/ipsos-mori/en-uk/ipsos-study-paypal-reveals-opportunities-and-best-practices-online-merchants-who-want-grow-their-0

online cross-border spending was expected to rise significantly faster than online domestic spending.¹³

In March 2016, the Indian government loosened the rules surrounding foreign companies selling online to Indian residents. Until then, with limited exceptions, Indian B2C e-commerce companies had been prohibited from accepting foreign direct investment. Now, foreign firms can own up to 100% of companies acting as online marketplaces. However, a number of conditions apply: for instance, the relevant online marketplace cannot have more than 25% of its sales come from "one vendor or their group companies". Furthermore, foreign direct investment remains illegal in the case of companies selling their own goods and services (so-called 'inventory-based' e-commerce companies).¹⁴

4.4. Australia and New Zealand

The 'hot button' e-commerce issue in both Australia and New Zealand recently has been the application to imported items of value-added tax (known in both countries as goods and service tax or 'GST).

At present, both countries have a monetary threshold, below which no GST is payable. In Australia, imported goods with a value of less than AU\$1,000 do not attract GST; in New Zealand, the figure is effectively¹⁵ NZ\$400. However, the increasing popularity of cross-border commerce amongst Australians and New Zealanders (particularly low-value B2C goods) has meant that the amount of GST being foregone by their governments has increased significantly.¹⁶ It has also led to claims of unfair competition from in-country retailers whose goods are subject to GST, whatever their value.¹⁷ This has led to efforts at reform.

In Australia, the *Treasury Laws Amendment (GST Low Value Goods) Bill 2017* was referred to the Economics Legislation Committee of the Australian Senate (upper House) in March 2017, with a report due to be issued in early May. The Bill, which as currently drafted would come into effect on 1 July 2017, lowers the GST threshold to zero, meaning all imported goods will be subject to GST. A controversial aspect of the reform is that the responsibility for collecting the GST will fall not on

¹³ For example, while overall online spending (domestic and cross-border) was predicted to rise 51.5% between 2015-2016, online cross-border spending was predicted to rise 78.5% in the same period: see 'Paypal Cross-Border Consumer Research 2015', ibid.

¹⁴ See Press Note No.3 (2016), 'Guidelines for Foreign Direct Investment on E-commerce', Ministry of Commerce and Industry, Government of India, at http://dipp.nic.in/English/acts_rules/Press_Notes/pn3_2016.pdf

¹⁵ In fact, GST is not collected if the total duty value (including GST, tariffs and other duties) is less than NZ\$60. Depending on freight costs, the NZ\$60 threshold will roughly equate to a parcel worth NZ\$400 if GST is the only duty applying.

¹⁶ In July 2016, the New Zealand government estimated that volumes of low-value imports to New Zealand were growing at 14% a year and that this represented foregone revenue of NZ\$140 million a year: see Boot, S, 'Government won't lower GST threshold for online purchases before 2018', 30 June 2016, at https://www.nbr.co.nz/article/government-wont-lower-gst-threshold-online-purchases-2018-b-191001

¹⁷ In Australia see, for example, Chappell T and Berry B, 'Lew calls for urgent online GST changes', 2 December 2016, at http://www.news.com.au/finance/business/breaking-news/lew-demands-level-retail-playing-field/news-story/64ba020b1b353dbc00dc5b6d68c8ad8c

¹⁸ In New Zealand see, for example, Harris, C, 'Retail NZ calls for GST on imported items under \$400', 3 January 2017 at http://www.stuff.co.nz/business/industries/88103343/Retail-NZ-calls-for-GST-on-imported-items-under-400

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Australian postal or customs agents, but on foreign retailers¹⁹ (such as Amazon) and even foreign online marketplaces (such as eBay).

In New Zealand, the government has said that it "will look to lower the [GST] threshold, potentially from the 2018/19 financial year". 20 However, this is subject to further work on methods of collecting GST on low-value goods, as well as further public consultation.

¹⁹ Those that sell at least AU\$75,000 worth of goods to Australian consumers in any given financial year.

²⁰ See Boot, S, 'Government won't lower GST threshold for online purchases before 2018', 30 June 2016, supra

5. Addressing impediments to cross-border trade

Survey results that shed light on challenges to cross-border e-commerce sales are available from Eurostat for Europe, and from Google's Consumer Barometer for selected economies worldwide (including Australia, China, Hong Kong, India, Indonesia, Japan, South Korea, Malaysia, New Zealand. Philippines, Singapore, Taiwan, Thailand, and Vietnam).²¹ The European results are broadly consistent with global results, and demonstrate that consumers hesitate to purchase online cross-border due to factors such as (1) fears that the cost may be higher; (2) concerns over the delivery cost or delivery time; (3) concerns that returning defective or problematic goods may be challenging; (4) reluctance to engage with a firm that routinely operates in a different language; and (5) concerns as to how to effect the payment for goods or services procured.

Surveys of merchants (distinguishing between those who sell cross-border, those who do not, and those who would like to but are blocked by daunting problems) and European consultation responses find similar concerns with (1) shipping costs and (2) payment mechanisms. They also identify concerns with (3) tax differences from one country to the next, (4) customer support in multiple languages, and (5) country-specific consumer protection regulations governing packaging, labelling, returns, and more. For goods subject to copyright, geographic market segmentation together with temporal segmentation (windowing) pose additional challenges.

The European Parliament is currently considering a range of legislative proposals to address certain of these challenges, including (1) inflated parcel delivery prices, (2) geo-blocking (refusal of website to accept orders, to ship goods, or to accept payment), (3) copyright (mainly as a means to implement geo-blocking), (4) VAT tax rate differences among European Member States, and (5) divergent consumer protection laws.

Each of these areas has its own complexities, but each has been extensively analysed in Europe, and we believe that an assessment of the applicability of similar approaches to the Asia-Pacific region would be timely and potentially fruitful.

Taking our inspiration from these considerations, and from measures either considered or implemented elsewhere, we are assessing the practicality of potential policy interventions (i.e. *action lines*) in the Asia Pacific region.

On the *supply side*, we will consider policies that either promote competition, or else reduce (transaction) costs, such as:

- for cross-border parcel delivery, measures to lower the spread between published retail prices and the terminal dues that National Postal Operators charge one another under international UPU rules;
- measures to simplify taxes applied to goods or make them more consistent and comprehensible;
- measures to reduce either incentives or ability of merchants to geo-block sales in cases where there is no objective need to do so;
- measures to increase the consistency and predictability of (cross-border) consumer protection rules.

On the *demand side*, we intend to focus particularly on measures to promote consumer confidence:

• measures to enhance privacy and security of e-commerce transactions;

²¹ These are based on good sampling techniques and can be assumed to be reasonably representative.

measures to ensure that consumer protection rules are in place²² and effective.

In the following sections, we consider candidate action lines to address the impediments, starting with supply side issues.

5.1.Inflated cross-border parcel delivery

Chinese merchants are able to ship to destinations in the US and in the EU at lower cost than US or EU merchants can ship to customers in their own respective regions. There are two possible explanations. One explanation is that China and other countries that are classified under Universal Postal Union (UPU) rules as developing countries benefit from lower Terminal Dues (TDs) and Inward Land Rates (ILRs) than those that developed countries pay. A second possibility is that the Chinese postal incumbent may choose to take a lower mark-up on international shipments than do many other National Postal Operators (which might be feasible in light of their higher volumes and corresponding economies of scale).

The former effect would operate very differently for a nominally developing country like China than for a developed country like Japan.

Overall weakness of the logistics network is an impediment to trade (both sales and purchases) in many of the developing countries in the region.

It is clear that a comprehensive solution would be useful. No single measure is likely to deal with the full range of parcel delivery issues.

5.2.Complex, incoherent, or inconsistent taxes applied to goods and services

This is not only an issue of different levels of taxes, but also of inconsistent taxing between digital and non-digital versions of the same services. Simplifying cross-border collection of taxes might also be considered.

Achieving uniform rates and rules would be extremely challenging, since each country will want to maintain sovereign control of its taxing regime. It might nonetheless be possible to achieve some degree of harmonisation among groups of countries.

Alternatively, the eWTP proposal put forward by Alibaba founder Jack Ma includes the possibility of governments establishing digital free trade zones for the benefit of SMEs.²³

5.3.Geo-blocking of goods and services by merchants (including copyright aspects)

Vertical restraints can be an issue, as is the case in the European discussion of geo-blocking. Copyright is a means of implementing the restraints, but for the most part not the cause of the problem.

²² Our understanding is that several countries in the region (e.g. Cambodia, Laos, Myanmar) have little in the way of basic consumer protection legislation, both in terms of prohibiting misleading and deceptive promotion of goods and services, and also in in terms of guaranteeing rights of redress where those goods or services turn out to be faulty/inadequate.

²³ Alibaba Group (2016), Fact Sheet: Electronic World Trade Platform.

In Europe, the European Commission has made a legislative proposal to prohibit geo-blocking of certain goods and services. It is probably premature, however, to think about such a prohibition (i.e. compelling merchants to sell) in the Asia Pacific region. Many of the other problems noted here would need to be addressed first.

5.4. Product labelling, packaging, and safety rules

Each country tends to maintain its own rules. These are especially visible in areas such as food, medication, and health products, but can also appear in myriad other dimensions as well.

These rules may serve to protect consumer safety; however, some may represent protectionism of domestic providers of goods and services.

The eWTP proposal put forward by Alibaba founder Jack Ma might be helpful here. "The vision for the eWTP is that it will be driven by businesses, with support from governments. Businesses can create hubs for e-commerce and governments can create virtual free trade zones for small business. These eHubs would allow small businesses in one country to sell to consumers in another, with low or no import duties, speedy customs clearance, and better access to logistics. When connected, this would create a global network that becomes the eWTP."

5.5.Inconsistent, unpredictable or inadequate consumer protection rules applied to cross-border sales

Once again, divergence between countries could prove to be problematic. Similar considerations apply as with product labelling and safety rules (see Section 5.4).

5.6.Consumer privacy

Privacy is all well and good, but radically different levels may get in the way. Since the EU GDPR is the emerging "gold standard", if merchants follow this, they are likely to be compliant everywhere.

Data transfer rules can be complicated, particularly in light of the 2015 *Schrems* decision of the Court of Justice of the European Union. This is an evolving and challenging area.

5.7. Security of transactions

This is a challenging area, but necessary. International cooperation will increasingly be needed. Recent Microsoft proposals hold promise, particularly in regard to forensic analysis of cybersecurity incidents.

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