Monitoring international legal regulation trends for developing legislation in the digital economy in Russia

- Lifting moratorium on electronic transfers in the WTO
- Artificial intelligence bill in Russia
- The US changes rules of the game for crypto exchanges

Monitoring No.3 (27) (March 2026)

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Downloaded? Pay!

Lifting moratorium on electronic transmissions in the WTO means that your favorite videos could become more expensive

Author: Maria Girich

In March 2026, moratorium for customs duties for electronic transfers has expired.

As a reminder, the moratorium was introduced by the WTO already in 1998, because countries had not agreed on how to classify electronic transmissions: as goods covered by the GATT[1] (customs duties apply) or as services covered by the GATS[2] (duties do not apply). Time was needed for study.

Three types of transactions were assessed:

- transactions conducted entirely online, from selection and purchase to delivery;
- transactions where a product or service is ordered online but delivered offline;
- telecommunications services, including internet access.

The WTO countries assumed that most internet transactions represent services covered by GATS, which does not distinguish between the mode of delivery, online or offline.

There were disagreements arising over specific digital products, such as books and software. The US proposed exempting digital downloads from customs duties, but if a book or software is supplied on a physical medium, then the GATT applies.

The EU proposed creating a third category (digital products) requiring special regulation.

Russia did not express any position.

Россия не имела позиции.

Since 2017, the development of the WTO Agreement on Electronic Commerce has been initiated. It proposes a permanent moratorium on duties on electronic transmissions.

However, a number of countries (India, Brazil, South Africa, Indonesia) delayed the adoption of the Agreement, arguing that the moratorium limits the fiscal sovereignty of developing countries, who could receive higher tariff revenues: up to **40** times more compared to developed countries. Meanwhile, India proposed charging fees for data transfer, essentially bytes, but not necessarily for the content being transferred (such as software, e-books).

After the moratorium has expired in March 2026 г. **66** countries (**70%** of the world trade) chaired by Australia, Japan and Singapore, approved a plan of actions involving temporary measures on the enforcement of the Agreement on electronic commerce (Russia did not take part).

Will introduction of tariffs have any effect? Probably not.

According to OECD, in 2023, almost **95%** of valid regional trade agreements (RTA) already contain provisions not to impose customs duties on electronic transmissions. Such commitments were undertaken by **102** countries.

And even if the moratorium ceases to be in effect, commitments will remain in **85%** of cases due to RTAs.

As the OECD analysis shows, the fiscal benefit from introducing duties is minimal: potential lost customs revenues are estimated at **$1,3 bn** – **0,68%** of potential customs revenues or about **0,1%** of consolidated budgetary incomes. However, the loss of income from customs duties is offset by digital taxes, including VAT.

However, risks are more tangible: increased trade costs, reduced competitiveness and loss of opportunities for SMEs.

[1] General Agreement on Tariffs and Trade

[2] General Agreement on Trade in Services

Lifting the moratorium will impact developing countries: if current tariffs for digitized goods can be extended to digital services, imports from low-income countries could decline by **32%**, and exports by **2,5%**; for middle-income countries by **6** and **0,4%** respectively. For high-income countries, the effect will be weaker: by **0,04** and **0,5%**.

In 2024, Russia was also promoting introduction of a permanent moratorium . Moreover, Russia already possesses tax revenue from transborder digital services, as it is required to pay the VAT. Therefore, for Russia, the practical effect of the possible lifting of the moratorium is associated not so much with the prospect of new customs revenues, but with the risks of increased costs of digital supplies and a curb on trade in services, including ICT services.

What is next?

Digital transactions account for more than **60%** of the global GDP. About **67%** of imports of the digital transfers potentially may be tariffed with the moratorium expiration.

The risks of taxation primarily affect ICT services, as well as trade in audiovisual services. However, India, Brazil, South Africa, Indonesia, and Türkiye oppose the moratorium.

In 2024, India became the fourth country in the volume of exports of the ICT and telecommunication services from Russia, i.e., $ **228.03** mn. Also, the volume of exports to Indonesia amounted to $ **59.6** mn, to Brazil – $ **43.34** mn. Computer services worth $ **2.58** mn were exported to Turkey and $ **1.15** mn to South Africa. Total exports amounted to $ **2.358** bn.

In total, if the listed countries introduce import customs duties, this will affect more than **14%** of the Russian ICT and telecommunication services exports (up to $ **334.7** mn).[1]

YESTERDAY

1998 – 2025
WTO moratorium on duties on electronic transmissions

Waiving duties on digital transmissions. Challenges to qualify digital goods and services

TODAY

2026
WTO moratorium expired, but 66 countries plan to impose a permanent moratorium on digital transmission duties

Developing countries fight for the right to tax digital transmissions

TOMORROW

More than 70% of digital trade will be exempt from duties on electronic transmissions. However, tariffs may apply to trade with developing countries

[1] Estimates were made by adding together the volumes of ICT and telecommunications services exports (WTO data): 228.03 (to India) + 59.6 (to Indonesia) + 43.34 (to Brazil) +2.58 (to Turkey) + 1.15 (to South Africa) = $ 334.7 mn.

Share of services' exports to the abovementioned countries (WTO data) was estimated as a share amounting to $ 334.7 mn from the overall volume of the ICT services in five countries: $ 2.358 bn = 14.19%.

Trust the system

Russia is preparing a federal law on artificial intelligence

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According to OECD, today, there are 31 legal acts in force worldwide regulating areas related to AI. The first such acts were adopted back in 1999 (no doubt in response to the release of the movie "The Matrix").

In March 2026, the RF Ministry for Digital Technology, Communication and Mas Media has published a draft law “On regulating the use of AI in Russia.” Thus, a concept of “trusted AI models” is introduced, and only these systems can be used in public systems and at critical infrastructure facilities.

The trusted model must meet a number of requirements, such as ensuring that data is processed exclusively within Russia. In fact, this requires data localization.

This can create challenges for performance of the models: data storage capacity is limited, and AI models require very large amounts of data to perform well.

However, if only data that is originally located in Russia is processed, this will lead to the AI “knowing” only a limited set of data (training on a narrow and less representative sample), which is fraught with distortions in the generated results, including discrimination on the part of the algorithms.

At the same time, the developer is obliged to exclude functional features of AI that may result in discrimination.

The Russian project partially mirrors foreign approaches. It includes principles for protecting privacy and personal data, a duty to notify people when decisions regarding them are made without human participation and label the AI-generated content. However, these similarities are largely superficial.

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political initiatives, associated with AI have been adopted worldwide

Restrictions are introduced internationally (EU and G20/OECD) for AI according to level of risk and the scope of AI application.

There is an unacceptable use of AI systems (for mass social profiling of people), high-risk systems (AI in medicine or in drones) and everything else. A separate category is distinguished, that is, “general purpose” AI, generative AI. Depending on the risk degree, different requirements are established for reporting, disclosure of information about AI, etc. Russia’s bill sets the principle of a risk-based approach to AI regulation,[4] but does not identify AI risk categories

Also, the owner of an AI service with more than 500.000 users from Russia per day becomes an “organizer of information dissemination” is obliged to store information about users and their messages in Russia (for 6 months).

A message means any piece of information transmitted or received by a user. This raises the question: can messages include requests from all AI users? Will all requests need to be stored for six months? Will large international providers like Qwen, DeepSeek, Perplexity, and character.ai waste resources storing messages in Russia? This entails high costs given the large number of user requests.

What else is happening in the world?

[4] The bill stipulates that requirements for the use of AI should be established taking into account the likelihood of risks of harm and the scale of damage caused to life and health, business reputation and property, etc.

The EC adopted recommendations on protection of works “in the AI era”: to use protected IP for training AI is proposed only with the consent of the copyright holder and upon payment of remuneration. Creation of a license market for AI training is being considered, including through collective licenses, when many authors and companies allow their works to be used for a fee without the need to enter into a separate agreement with each copyright holder.

By the way, the US is also considering the possibility to introduce collective licenses. In Russia, according to the AI draft law, the use of materials in AI development is permitted only under an agreement with the copyright holder or if a "legally valid copy" is obtained.

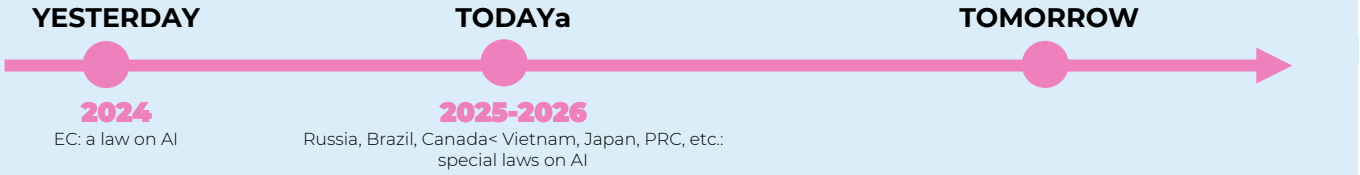
Interestingly, in Russia, the AI-generated content can be recognized as an intellectual property object if it represents a masterpiece that meets criteria for protectability, including the requirement of a human personal creative contribution. Content generated entirely by AI will not be protected, as is the case in the EU. In the US, however, this is permitted in certain states, such as Arkansas.

What is next?

If the localization requirement for AI services with more than 500.000 Russian users per day is adopted, it is likely that services that do not formally operate in Russia (for example, OpenAI) will not be able to enter the market, and those that do can be blocked by Roskomnadzor for failing to comply with information transfer requirements.

Which foreign services will store messages in Russia?[5]

Thus, the DeepSeek website had approximately 350,8 mn visits for month in March 2026, while Russia’s share in the traffic evidences 10.35%. This means 36.3 mn visits from Russia for month, more than 1.1 mn visits per day.[6]



The world's first AI law has been adopted

Countries are focusing regulation on the transparency of AI systems, protection of personal data, copyright, and labeling of generated content

Major AI providers will look at regulatory requirements when choosing countries for operating, including whether there is a requirement to store information (such as messages) in the country and how expensive such storage would be.

[5] To make an assessment, it is necessary to take the site's total monthly traffic, multiply it by Russia's share of traffic, and convert the result to a daily average. If the result is 500.000 or more, the company is required to store messages from users in Russia for six months.

[6] 36.3078 mn ÷ 31 = 1.171 mn visits per day. This is more than twice the threshold of 500.000. Even if we assume very roughly that one Russian user on average visits the service twice a day, we get 1.171 mn ÷ 2 = 585.6 users per day.

Cryptocurrency exchanges under control

The US is changing the rules of the game for crypto exchanges

Authors: Ivan Ermokhin
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In March 2026, the U.S. Securities and Exchange Commission (SEC) and the U.S. Commodity Futures Trading Commission (CFTC) have reached an agreement, aimed at delimiting their powers in relation to cryptocurrency assets. Until now, there has been uncertainty about whether certain crypto assets should be considered securities or commodities, but it was this classification that determined which regulator was responsible for oversight.

The key result of the agreement was the introduction of a new category, digital goods. The most well-known cryptocurrencies, including Bitcoin, Solana, and XRP, have already been included in this category. This decision has reduced the risk of their subsequent classification as securities.

This approach is based on the determination of the value of these assets primarily by characteristics of their functioning, as well as the market relationship between supply and demand, rather than by the expectation of profit from actions of third parties.

For this reason, they will not be considered securities, and their circulation as digital commodities will be subject to CFTC regulation.

In Russia, a similar approach can be observed in terms of classification of digital currency: a bill was registered in the State Duma **"On digital currency and digital rights"**, where digital currency is considered as property.

Rb7,3 trillion

The volume of crypto asset flows attributed to Russians

However, approaches begin to diverge. In the US, classifying some crypto assets as digital goods is important not only for determining their legal nature but also for shaping a new market infrastructure model.

If the draft law CLARITY Act is adopted in the United States, crypto exchanges that trade assets recognized as digital commodities will come under the control of the CFTC.

For existing crypto exchanges, this will mean the need to obtain a new status, which is provided for by the bill, that is, the status of a digital commodity exchange.

Thus, the American approach presupposes not only the delimitation of competence between the SEC and the CFTC, but also the emergence of a new special market actor.

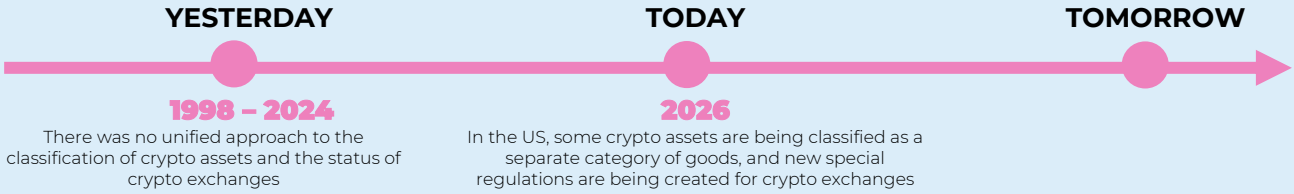
The Russian draft law, by contrast, while permitting digital currency trading on exchanges and organized trading platforms, integrates it into the existing infrastructure by requiring an exchange or trading system license.

This imposes existing restrictions on future crypto exchanges for traditional participants: the ability to trade on the platform only through a broker, restrictions on foreign investors, etc.

What is next?

If the CLARITY Act is passed, the United States will effectively move toward creating a separate regime for crypto exchanges and other infrastructure for the circulation of digital goods.

In Russia, by contrast, the legalization of digital currency is now being discussed through its inclusion in the existing financial system, without creating an independent status for crypto exchanges. Therefore, further regulatory development in the US will likely be associated with the emergence of new specialized market actors, while in Russia, it will involve extending the rules already in place for traditional exchange infrastructure to digital currency circulation.



Crypto assets have been variously treated as securities, commodities or property, and crypto exchanges have operated without a dedicated, unified regulatory regime

Crypto assets are beginning to be divided into types, and separate rules and stricter government control are being introduced for crypto exchanges

The role of states in regulating crypto assets and crypto exchanges will strengthen

News from **March 2026** that we found interesting[1]:

- In the US, the Department of Labor has proposed to allow the use of cryptocurrencies in workers' pension savings as retirement investments. Previously, pension savings could only be invested in traditional assets (such as stocks and bonds).

- In China, the AI system associated with Alibaba, без разрешения has started using allocated computing power for cryptocurrency mining without permission.

- The US SEC has allowed the American stock exchange Nasdaq to conduct a pilot trading of shares in tokenized form, although previously the exchange rules stipulated that such securities could only be traded in traditional form.

DIGEST

[1] Since 2025, the Gaidar Institute has been developing a digital platform for analyzing news in Russia and around the world on digital economy regulation—DIgiReg. The news presented has been selected by experts, in part based on an analysis of the platform's data.