CHAPTER 13
ELECTRONIC TECHNOLOGIES IN TRADE

ARTICLE 13.1
Scope and Coverage

1. The Parties recognise that electronic commerce may increase trade opportunities and contribute to economic growth, and underscore the importance of promoting the use of electronic technologies in trade in order to minimise the costs and facilitate trade, as well as the importance of cooperation between the Parties on the issues of electronic commerce under this Chapter.

2. This Chapter shall apply to measures taken by a Party relating to:

   a) the use of electronic documents in trade between the Parties by means of digital signatures and a trusted third party; and

   b) electronic commerce as defined in paragraph b) of Article 13.2 of this Agreement.

3. For the purposes of paragraph 2 of this Article such measures shall include the measures taken by:

   a) central, regional or local governments and authorities; and

b) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities.

4. In fulfilling its obligations and commitments under this Chapter, each Party shall take such reasonable measures as may be available to it to ensure the observance of such obligations and commitments by regional and local governments and authorities and non-governmental bodies within its territory.

ARTICLE 13.2
Definitions

For the purposes of this Chapter:

a) **"digital certificate"** means an electronic document issued by an authorised organisation, containing information confirming that the particular digital signature belongs to a certain person;

b) **"electronic commerce"** means trade with the use of electronic technologies;

c) **"electronic document"** means a document where information is presented in an electronic form which can be certified by means of a digital signature;

d) **"digital signature"** means information in electronic form obtained by using public-key cryptography, which is the transformation of information by using a private signature key that is verified by a public signature key, and attached or connected to the other information in electronic form (information being signed), confirming its integrity and authenticity and assuring inability to deny authorship;

e) **“electronic technologies”** means a combination of software and hardware that provides interaction between the persons of the Parties using an electronic document;

f) **“electronic authentication”** means the process of establishing confidence in user identities electronically presented to an information system; and

g) **“trusted third party”** means an organisation vested with the rights in accordance with the domestic laws and regulations of each Party to verify a digital signature in a digitally signed electronic document at a fixed time with regard to author and/or recipient of electronic document.

ARTICLE 13.3
Electronic Authentication

The Parties shall endeavour to work towards mutual recognition of digital signatures in the exchange of electronic documents by means of a trusted third party service.

ARTICLE 13.4
Use of Electronic Documents

1. The Parties shall endeavour:

   a) not to adopt or maintain domestic laws and regulations containing the requirement to confirm the authenticity of the transactions made in electronic form by presenting documents in paper form; and

   b) to ensure that the documents related to trade transactions are presented to the competent authorities of the Parties in the form of an electronic document that is digitally signed.

2. The Parties shall endeavour to ensure that in cases where any document is required for the importation of a product, a participant of trade transaction could receive such document confirming that the product is imported in accordance with the requirements of the importing country in electronic form.

ARTICLE 13.5
Private Data Protection

The Parties shall endeavour to adopt and maintain in force measures aimed at the protection of private data of electronic commerce users.

ARTICLE 13.6

Cooperation on Electronic Technologies in Trade

1. The Parties shall exchange information and experience with regard to laws and regulations and programmes in the field of electronic technologies in trade, in particular with regard to private data protection and improvement of consumer confidence.

2. The Parties recognise the necessity of participation in bilateral, regional and multilateral fora on establishing legal frameworks regulating electronic commerce.

ARTICLE 13.7

Electronic Commerce Development

Recognising the global nature of electronic commerce and the importance of facilitating the use and development of electronic commerce, the Parties shall:

a) endeavour to develop the legal frameworks for electronic commerce using relevant international standards on data collection and in conformity with international practices including, where possible, decisions on electronic commerce taken within the framework of the WTO;

b) encourage the private sector to adopt self-regulation, including through codes of conduct, model contracts, guidelines and enforcement mechanisms that foster electronic commerce;

c) promote the adoption of transparent and appropriate measures to protect consumers from fraudulent and deceptive commercial practices when they engage in electronic commerce; and

d) promote the cooperation between their respective national consumer protection agencies on issues related to cross-border electronic commerce in order to enhance consumer welfare.

ARTICLE 13.8
Implementing Arrangements

1. Competent authorities of the Parties may conclude implementing arrangements on any matter within the scope of this Chapter. In particular, the implementing arrangements shall set out understandings reached in accordance with Articles 13.3, 13.4 and 13.5 of this Agreement.

2. The Parties through the relevant competent authorities shall take all necessary actions to apply the implementing arrangements within a jointly determined reasonable period of time.

CHAPTER 14
DISPUTE SETTLEMENT

ARTICLE 14.1
Objectives