

development and use of e-commerce in the ASEAN region;
and

RECOGNISING the need to facilitate cross-border e-commerce transactions in the ASEAN region to maximise the benefits of regional economic integration,

HAVE AGREED AS FOLLOWS:

ARTICLE 1 DEFINITIONS

For the purposes of this Agreement:

- (a) **ATISA** means the *ASEAN Trade in Services Agreement*;
- (b) **Computing facilities** means computer servers and storage devices for processing or storing information for commercial use;
- (c) **Electronic authentication** means the process of testing an electronic statement or claim in order to establish a level of confidence in the reliability of that statement or claim;
- (d) **Electronic signature** has for each Member State the meaning set out in its laws and regulations;
- (e) **GATS** means the *General Agreement on Trade in Services*;
- (f) **Juridical person** means any legal entity duly constituted or otherwise organised under applicable law of a Member State, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation,

trust, partnership, joint venture, sole proprietorship or association;

(g) **Juridical person of another Member State** means a juridical person which is either:

(i) constituted or otherwise organised under the law of that other Member State, and is engaged in substantive business operations in the territory of that Member State or any other Member State; or

(ii) in the case of the supply of a service through commercial presence, owned or controlled by:

(1) natural persons of that Member State; or

(2) juridical persons of that other Member State identified under subparagraph (i);

(h) A juridical person is:

(i) **owned** by persons of a Member State if more than 50 per cent of the equity interest in it is beneficially owned by persons of that Member State;

(ii) **controlled** by persons of a Member State if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;

(iii) **affiliated** with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;

- (i) **Natural person of another Member State** means a natural person who under the law of that Member State:
 - (i) is a national or citizen of that Member State; or
 - (ii) has the right of permanent residence in that Member State, where both that Member State and the Member State in which the person supplies services recognise permanent residents and accord substantially the same treatment to their respective permanent residents as they accord to their respective nationals in respect of measures affecting trade in services;
- (j) **Personal information** means any information, including data, about an identified or identifiable individual; and
- (k) **Trade administration documents** means forms issued or controlled by a Member State which must be completed by or for an importer or exporter in relation to the import or export of goods.

ARTICLE 2 OBJECTIVES

The objectives of this Agreement are to:

- (a) facilitate cross-border e-commerce transactions in the ASEAN region;
- (b) contribute to creating an environment of trust and confidence in the use of e-commerce in the ASEAN region; and
- (c) deepen cooperation among Member States to further develop and intensify the use of e-commerce