

CHAPTER 9
ELECTRONIC COMMERCE

Article 1
Objectives

The objectives of this Chapter are to:

- (a) promote the use of e-commerce to assist the timeliness and reduce the cost of commercial transactions;
- (b) promote consumer and business confidence to support the fullest economic and social benefits from e-commerce; and
- (c) minimise the extent to which e-commerce transactions are subject to particular requirements, tariffs or other limitations or costs which are additional to other transactions.

Article 2
Promotion of E-Commerce

1. The Parties agree to:

- (a) promote the efficient functioning of e-commerce domestically and internationally by, wherever possible:
 - (i) developing domestic regulatory frameworks which are open;
 - (ii) avoiding undue restrictions and costs on e-commerce; and

- (iii) providing a predictable and simple legal environment for e-commerce, taking into account international norms and practices;
- (b) ensure that regulations and the development of regulations affecting e-commerce are transparent;
- (c) endeavour to ensure that policy responses in respect of e-commerce:
 - (i) are flexible and take account of developments in a rapidly changing technology environment;
 - (ii) encourage the use of electronic signatures and electronic certification in order to ensure authenticity, integrity and confidentiality, and prevent fraud; and
 - (iii) promote interoperability of infrastructures, such as secure electronic authentication and payments; and
- (d) work to build consumer and business confidence in support of the wider utilisation of e-commerce between the Parties and globally by:
 - (i) maintaining privacy protection laws and consumer laws relating to e-commerce;
 - (ii) maintaining measures to minimise unsolicited commercial electronic messages; and

- (iii) ensuring the protection of intellectual property rights, while also enabling the application of e-commerce and business innovation.

Article 3

Paperless Trading

1. Each Party shall work towards the implementation of initiatives which provide for the use of paperless trading.
2. In working towards the implementation of initiatives which provide for the use of paperless trading, each Party shall take into account the methods agreed by relevant international organisations, including the World Customs Organisation.

Article 4

Customs Duties

Each Party shall maintain its current practice of not imposing customs duties on electronic transmissions between the Parties.

Article 5

Consultations

At the request of either Party, the Parties agree to consult each other concerning any policies or decisions which may impact adversely on e-

commerce aspects of trade between the Parties.

Article 6

Non-Application of Dispute Settlement

Neither Party shall have recourse to Chapter 21 (Dispute Settlement) in respect of any issue arising from or relating to this Chapter.