

CHAPTER FOURTEEN ELECTRONIC COMMERCE

ARTICLE 14.1: GENERAL PROVISIONS

1. The Parties recognize the economic growth and opportunity that electronic commerce provides and the applicability of the WTO Agreement to measures affecting electronic commerce.
2. Each Party shall endeavor to adopt measures to facilitate trade conducted by electronic means by addressing issues related to the digital environment.
3. The Parties recognize the importance of avoiding unnecessary barriers to trade conducted by electronic means. Having regard to its policy objectives, each Party shall endeavor to prevent measures that:
 - (a) unduly hinder trade conducted by electronic means; or
 - (b) have the effect of treating trade conducted by electronic means more restrictively than trade conducted by other means.

ARTICLE 14.2: RELATION TO OTHER CHAPTERS

In the event of any inconsistency between this Chapter and another Chapter, the other Chapter shall prevail to the extent of the inconsistency.

ARTICLE 14.3: ELECTRONIC SUPPLY OF SERVICES

The Parties affirm that measures affecting the supply of a service delivered or performed electronically are subject to the obligations in the relevant provisions of Chapters Nine (Investment), Ten (Cross-Border Trade in Services), and Twelve (Financial Services), which are subject to any exceptions or non-conforming measures set out in this Agreement that are applicable to such obligations.

ARTICLE 14.4: CUSTOMS DUTIES

1. Neither Party shall apply customs duties, fees, or charges on, or in connection with, the importation or exportation of digital products by electronic means.
2. For greater certainty, this Chapter does not preclude a Party from imposing internal taxes or other internal charges on digital products delivered electronically, provided that such taxes or charges are imposed in a manner consistent with this Agreement.

ARTICLE 14.5: CONSUMER PROTECTION

1. The Parties recognize the importance of maintaining and adopting transparent and effective measures to protect consumers from fraudulent and deceptive commercial practices in electronic commerce.

2. To this end, the Parties shall exchange information on their experiences in protecting consumers engaged in electronic commerce.

ARTICLE 14.6: PAPERLESS TRADING

1. Each Party shall endeavor to make trade administration documents publicly available in electronic form.

2. Each Party shall endeavor to accept trade administration documents submitted electronically as the legal equivalent of the paper version of such documents.

ARTICLE 14.7: PROTECTION OF PERSONAL INFORMATION

1. The Parties recognize the importance of protecting personal information in the digital environment.

2. To this end, each Party commits to:

- (a) adopting or maintaining legislation for the protection of personal information of users engaged in electronic commerce; and
- (b) exchanging information on their experiences in protecting personal information.

ARTICLE 14.8: ELECTRONIC AUTHENTICATION AND DIGITAL CERTIFICATES

1. The Parties commit to establishing cooperation mechanisms between the national accreditation and digital certification authorities for electronic transactions.

2. Each Party shall work towards the recognition, at the central level of government, of digital certificates issued by the other Party.

ARTICLE 14.9: COOPERATION

Recognizing the global nature of electronic commerce, the Parties commit to:

- (a) working together to facilitate the use of electronic commerce of small and medium-sized enterprises¹;
- (b) sharing information and experiences on laws, regulations, and programs in the area of electronic commerce, including those related to data privacy, consumer confidence, security in electronic communications, authentication, intellectual property rights, and electronic government;
- (c) working to maintain cross-border flows of information as an essential element in fostering a vibrant environment for electronic commerce;
- (d) fostering electronic commerce by encouraging the private sector to adopt codes of conduct, model contracts, guidelines, and enforcement mechanisms; and
- (e) actively participating in regional and multilateral fora to promote the development of electronic commerce.

ARTICLE 14.10: DEFINITIONS

For purposes of this Chapter:

delivered or performed electronically means delivered or performed through telecommunications, alone or in conjunction with other information and communication technologies;

digital products means computer programs, text, video, images, sound recordings, and other products that are digitally encoded;

electronic authentication means the process or act of establishing the identity of a party to an electronic communication or transaction or ensuring the integrity of an electronic communication;

personal information means any information related to an identified or identifiable natural person;

trade administration documents means forms that a Party issues or controls that must be completed by, or for, an importer or exporter in connection with the importation or exportation of goods; and

trade conducted by electronic means means trade conducted through telecommunications, alone or in conjunction with other information and communication technologies.

¹ For purposes of this Article, for Peru, “small and medium-sized enterprises” includes micro enterprises as defined in Peru’s domestic legislation.