

CHAPTER THIRTEEN

ELECTRONIC COMMERCE

第十三章

电子商务

Article 13.1: Scope of Application

1. The Parties confirm that trade conducted by electronic means is subject to the provisions of this Agreement, including those in Chapters Two (National Treatment and Market Access for Goods), Nine (Cross-Border Trade in Services), Ten (Financial Services), Eleven (Telecommunications), and Fourteen (Government Procurement). In particular, the Parties recognise the importance of Article 11.2 (Access to and Use of Public Telecommunications Transport Networks and Services) in enabling trade conducted by electronic means.
2. The Parties also confirm that this Chapter does not impose obligations on a Party to allow digital products to be delivered electronically, except in accordance with the commitments of that Party in other Chapters.

Article 13.2: General Provisions

1. The Parties recognise the economic growth and opportunities provided by electronic commerce and the applicability of WTO rules to electronic commerce.

第十三条第一款：适用范围

1. 各方确认，电子交易受本协定规定约束，包括第二章（国民待遇和货物市场准入）、第九章（跨境贸易服务）、第十章（金融服务）、第十一章（电信）和第十四章（政府采购）中的规定。特别是，各方承认第十一条第二款（公共电信传输网络和服务的接入和使用）在促进电子交易方面的重要性。

2. 各方还确认，本章不要求任何一方允许数字产品电子交付，除非符合该方在其他章节中的承诺。

第十三条第二款：一般规定

1. 各方承认电子商务带来的经济增长和机遇，以及WTO规则适用于电子商务。

2. Considering the potential of electronic commerce as a social and economic development tool, the Parties recognise the importance of:

- (a) clarity, transparency, and predictability in their domestic regulatory frameworks in facilitating, to the maximum extent possible, the development of electronic commerce;
- (b) encouraging self-regulation by the private sector to promote trust and confidence in electronic commerce, having regard to the interests of users, through initiatives such as industry guidelines, model contracts, and codes of conduct;
- (c) facilitating electronic commerce through interoperability, innovation, and competition;
- (d) ensuring that global and domestic electronic commerce policy takes into account the interest of all stakeholders, including business, consumers, non-government organisations, and relevant public institutions; and
- (e) facilitating the use of electronic commerce of small- and medium-sized enterprises and developing countries.

3. Each Party shall endeavour to adopt measures to facilitate trade conducted by electronic means by addressing issues relevant to the electronic environment.

4. The Parties recognise the importance of avoiding unnecessary barriers to trade conducted by electronic means. Having regard to national policy objectives, each Party shall endeavour to prevent measures that:

- (a) unduly hinder trade conducted by electronic means; or

2. 考虑到电子商务作为社会 and 经济发展工具的潜力，各方承认其重要性：

(a) 在促进电子商务发展方面，其国内监管框架应具有清晰性、透明度和可预测性； (b) 鼓励私营部门通过行业指南、示范合同和行为准则等举措进行自我监管，以促进对电子商务的信任和信心，并考虑用户的利益； (c) 通过互操作性、创新和竞争促进电子商务； (d) 确保全球和国内电子商务政策考虑到所有利益相关者的利益，包括企业、消费者、非政府组织和相关公共机构；以及 (e) 促进中小企业和发展中国家的电子商务使用。

3. 每一方应努力采取措施，通过解决与电子环境相关的问题，促进电子交易。

4. 各方承认避免电子交易不必要的贸易壁垒的重要性。考虑到国家政策目标，每一方应努力防止以下措施：

- (a) 不当地阻碍电子交易；或

- (b) have the effect of treating trade conducted by electronic means more restrictively than trade conducted by other means.

Article 13.3: Customs Duties

- 1. A Party shall not apply customs duties, fees, or charges on or in connection with digital products delivered electronically.
- 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 13.4: Protection of Personal Information

Each Party shall adopt or maintain measures for the protection of the personal information of the users of electronic commerce. In the development of personal information protection standards, each Party shall take into account international standards of relevant international organisations.

Article 13.5: Paperless Trade Administration

- 1. Each Party shall endeavour to make trade administration documents available to the public in electronic form.
- 2. Each Party shall endeavour to accept trade administration documents submitted electronically as the legal equivalent of the paper version of those documents.

- (b) 产生将电子交易与其他交易方式相比采取更严格限制措施的效果。

第十三章

一方不得对电子交付的数字产品征收关税、费用或收费。

- 2. 为进一步明确，本章并不禁止一方对电子交付的数字产品征收内部税收或其他内部收费，前提是此类税收或收费的征收方式与本协定一致。

第十三章

第十三章 第十三条：无纸化贸易管理 每一方应当采取或维持保护电子商务用户个人信息的措施。在制定个人信息保护标准时，每一方应当考虑相关国际组织的国际标准。

第十三章：无纸化贸易管理

- 1. 各一方应努力以电子形式向公众提供贸易管理文件。
- 2. 每一方应努力接受以电子方式提交的贸易管理文件，并将其视为这些文件纸质版本的合法等效物。

Article 13.6: Consumer Protection

1. The Parties recognise the importance of maintaining and adopting transparent and effective measures to protect consumers from fraudulent and deceptive commercial practices when they engage in electronic commerce.
2. To this end, the Parties should exchange information on their experiences in protecting consumers engaged in electronic commerce.

Article 13.7: Cooperation

Recognising the global nature of electronic commerce, the Parties affirm the importance of:

- (a) working together to facilitate the use of electronic commerce by small- and medium-sized enterprises;
- (b) sharing information and experiences on laws, regulations, and programs pertaining to electronic commerce, including those related data privacy, consumer confidence, security in electronic communications, electronic 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

第十三章 13.6：消费者保护

1. 各方承认在参与电子商务时，维护和采用透明有效的措施以保护消费者免受欺诈和误导性商业行为的重要性。
2. 为此，缔约方应交流其保护从事电子商务活动的消费者的经验。

第十三章 13.7：合作

认识到电子商务的全球性，缔约方确认的重要性：

- (a) 协作促进中小企业使用电子商务； (b) 分享有关电子商务相关法律法规和计划的信息和经验，包括与数据隐私、消费者信心、电子通信安全、电子认证、知识产权和电子政府相关的那些； (c) 致力于维护跨境信息流动， 将其作为促进电子商务活跃环境的基本要素； (d) 通过鼓励私营部门采用行为准则、示范合同、指南和执行机制来促进电子商务； 以及

(e) actively participating in regional and multilateral fora to promote the development of electronic commerce.

Article 13.8: Relation to Other Chapters

In the event of an inconsistency between this Chapter and another Chapter, the other Chapter prevails to the extent of the inconsistency.

Article 13.9: Definitions

For the purposes of this Chapter:

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

digital product means computer programs, text, video, images, sound recordings, or other products that are digitally encoded and produced for commercial sale or distribution;

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

telecommunications means the transmission and reception of signals by any electromagnetic means;

trade administration document 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.

(e) 积极参与区域和多边论坛，促进电子商务的发展。

第13.8条：与其他章节的关系

如果本章节与另一章节之间存在不一致，则其他章节在不一致范围内优先适用。

第13.9条：定义

就本章而言：

电子交付是指通过电信交付，或与其他信息和通信技术结合交付；

数字产品是指计算机程序、文本、视频、图像、声音录音或其他为商业销售或分销而数字编码生产的产品；

个人信息是指与已识别或可识别的自然人相关的任何信息；

电信是指通过任何电磁方式传输和接收信号；

贸易管理文件是指一方签发或控制的表格，这些表格必须由或为进口商或出口商填写，以与货物的进口或出口有关；和

电子交易是指通过

电信单独或与其他信息和通信技术结合进行的贸易。