

2. Each Member State shall undertake the following cooperation initiatives, as appropriate:

- (a) sharing of information and experiences, and identifying best practices;
- (b) implementing programmes or projects to provide assistance to Member States to enhance their domestic regulatory frameworks in support of e-commerce and to promote broader application of e-commerce; and
- (c) establishing cooperation mechanisms among competent authorities to facilitate prompt investigation and resolution of fraudulent incidents related to e-commerce transactions and other matters agreed to by Member States.

ARTICLE 7
FACILITATING CROSS-BORDER E-COMMERCE

1. Paperless Trading

Each Member State shall expand the use of electronic versions of trade administration documents and facilitate the exchange of electronic documents through the use of ICT consistent with the provisions of the *ASEAN Agreement on Customs* signed on 30 March 2012 in Phnom Penh, Cambodia, and other international agreements on paperless trading to which Member States are parties.

2. Electronic Authentication and Electronic Signatures

- (a) Except in circumstances otherwise provided for under its laws and regulations, a Member State shall not deny the legal validity of a signature solely on the basis that the signature is in electronic form.

2. 各成员国应根据情况采取以下合作倡议:

- (a) 信息和经验共享, 并确定最佳实践; (b) 实施计划或项目, 为成员国提供援助, 以加强其国内监管框架, 支持电子商务, 并促进电子商务的更广泛应用; 以及(c) 在主管当局之间建立合作机制, 以便及时调查和解决与电子商务交易相关的欺诈事件及成员国商定的其他事项。

第七条 促进跨境电子商务

1. 无纸化贸易

各成员国应扩大贸易管理文件的电子版本的使用, 并通过使用信息和通信技术促进电子文件交换, 同时遵守2012年3月30日在柬埔寨金边签署的东盟海关协定以及成员国加入的其他无纸化贸易国际协定的规定。

2. 电子认证和电子签名

- (a) 除非其法律法规另有规定, 成员国不得仅以签名为电子形式为由否认该签名的法律效力。

Note: Cambodia, Lao PDR and Myanmar shall not be obliged to implement subparagraph (a) for a period of five years after the date of entry into force of this Agreement.

- (b) Each Member State shall maintain or adopt, as soon as practicable, measures based on international norms for electronic authentication that:
 - (i) permit participants in electronic transactions to determine the appropriate authentication technologies and implementation models for their electronic transactions;
 - (ii) do not limit the recognition of authentication technologies and implementation models; and
 - (iii) permit participants in electronic transactions to have the opportunity to prove that their electronic transactions comply with that Member State's laws and regulations with respect to authentication.
- (c) Notwithstanding subparagraph (b), each Member State may require that, for a particular category of electronic transactions, the method of authentication meet certain performance standards or be certified by an authority accredited in accordance with the laws and regulations of that Member State.
- (d) Each Member State shall encourage the use of interoperable electronic authentication.

3. Online Consumer Protection

- (a) Member States recognise the importance of adopting and maintaining transparent and effective

注：柬埔寨、老挝人民民主共和国和缅甸不得有义务在本协议生效日期后五年内实施(a)项条款。

- (b) 各成员国应尽快维持或采取基于电子认证国际规范的以下措施：

(i) 允许电子交易参与者为其电子交易确定合适的认证技术和实施模式；(ii) 不限制对认证技术和实施模式的认可；且(iii) 允许电子交易参与者有机会证明其电子交易符合该成员国关于认证的法律法规。(c) 尽管有(b)项规定，各成员国可要求特定类别的电子交易所采用的认证方法须符合某些性能标准，或由根据该成员国法律法规认可的机构进行认证。(d) 各成员国应鼓励使用可互操作的电子认证。

3. 在线消费者保护

- (a) 成员国认识到采取并保持透明和有效的

consumer protection measures for e-commerce as well as other measures conducive to the development of consumer confidence.

- (b) Each Member State shall provide protection for consumers using e-commerce that affords a similar level of protection to that provided for consumers of other forms of commerce under its relevant laws, regulations and policies.

Note: Cambodia, Lao PDR and Myanmar shall not be obliged to implement subparagraph (b) for a period of five years after the date of entry into force of this Agreement.

- (c) Member States recognise the importance of cooperation between their respective competent authorities in charge of consumer protection on activities related to e-commerce in order to enhance consumer protection.

4. Cross-border Transfer of Information by Electronic Means

- (a) Member States recognise the importance of allowing information to flow across borders through electronic means, provided that such information shall be used for business purposes, and subject to their respective laws and regulations.
- (b) Member States agree to facilitate cross-border e-commerce by working towards eliminating or minimising barriers to the flow of information across borders, including personal information, subject to appropriate safeguards to ensure security and confidentiality of information, and when other legitimate public policy objectives so dictate.

电子商务消费者保护措施以及其他有助于发展消费者信心的措施的重要性。

- (b) 各成员国应为使用电子商务的消费者提供保护，其保护水平应与其相关法律、法规和政策为其他形式商业消费者提供的保护水平相当。

注：柬埔寨、老挝人民民主共和国和缅甸在本协议生效日期后五年内无需履行(b)项义务。

- (c) 成员国认识到各自负责消费者保护的主管当局在电子商务相关活动中开展合作对加强消费者保护的重要性。

4. 电子方式跨境传输信息

- (a) 成员国认识到
允许信息以电子方式跨境流动的重要性，前提是该等信息用于商业目的，并遵守各自的法律法规。
- (b) 成员国同意促进跨境电子商务
通过努力消除或最小化跨境信息流动（包括个人信息）的障碍来促进电子商务，同时采取适当保障措施确保信息的安全和保密，并在其他合法的公共政策目标有此要求时予以遵循。

- (c) Subparagraphs (a) and (b) shall not apply to financial services and financial service suppliers as defined in the *Annex on Financial Services* of GATS.

5. Online Personal Information Protection

- (a) Each Member State shall adopt or maintain measures to protect the personal information of the users of e-commerce.
- (b) A Member State shall not be obliged to implement subparagraph (a) before the date on which that Member State enacts laws or regulations to protect the personal information of e-commerce users.
- (c) In the development of personal information protection measures, each Member State shall take into account international principles, guidelines and criteria of relevant international bodies.

6. Location of Computing Facilities

- (a) Member States recognise that each Member State may have its own regulatory requirements regarding the use of computing facilities, including requirements that seek to ensure the security and confidentiality of communications.
- (b) Member States agree not to require, subject to their respective laws and regulations, a juridical person of another Member State and its affiliated companies to locate their computing facilities in their respective territories as a requirement for operating a business in their respective territories.
- (c) Subparagraphs (a) and (b) shall not apply to financial services and financial service suppliers as

- (c) 第(a)项和第(b)项不适用于《服务贸易总协定》金融服务附件中定义的金融服务和金融服务供应商。

5. 在线个人信息保护

- (a) 各成员国应采取或维持措施，以保护电子商务用户的个人信息。(b) 成员国无义务在颁布保护电子商务用户个人信息的法律法规之前实施第(a)项。(c) 在制定个人信息保护措施时，各成员国应考虑相关国际机构的国际原则、指南和标准。

6. 计算设施的位置

- (a) 成员国认识到，各成员国可能对计算设施的使用有自己的监管要求，包括旨在确保通信的安全性和保密性的要求。(b) 成员国同意，根据各自的法律法规，不要求另一成员国的法人及其附属公司将计算设施设在其各自领土内，作为在其各自领土内开展业务的要求。(c) 第(a)项和第(b)项不适用于

金融服务和金融服务供应商如

defined in the *Annex on Financial Services of GATS*.

**ARTICLE 8
CYBERSECURITY**

Member States recognise the importance of:

- (a) building the capabilities of their national entities responsible for cybersecurity including through the exchange of best practices; and
- (b) using existing collaboration mechanisms to cooperate on matters related to cybersecurity.

**ARTICLE 9
ELECTRONIC PAYMENT**

1. Member States recognise the importance of safe and secure, efficient, and interoperable e-payment systems while taking into account the readiness of each Member State in terms of capacity, infrastructure, and regulation of e-payment systems.
2. Each Member State shall encourage the use of safe and secure, efficient, and interoperable e-payment systems to facilitate e-commerce in accordance with its laws and regulations.

**ARTICLE 10
LOGISTICS**

1. Member States recognise the importance of efficient cross-border logistics.
2. Each Member State shall endeavour to lower the cost and improve the speed and reliability of supply chains.

《服务贸易总协定》金融服务附件所定义。

第八条 网络安全

成员国认识到以下方面的重要性：

- (a) 建设其国家实体的能力
包括通过最佳实践交流来加强网络安全；以及
- (b) 利用现有合作机制
就网络安全相关事宜开展合作。

第九条 电子支付

1. 成员国认识到安全可靠、高效且可互操作的电子支付系统的重要性，同时考虑到各成员国在电子支付系统的能力、基础设施和法规方面的准备情况。
2. 各成员国应根据其法律法规，鼓励使用安全可靠、高效且可互操作的电子支付系统，以促进电子商务。

第十条 物流

1. 成员国认识到高效跨境物流的重要性。
2. 各成员国应努力降低供应链成本，提高其速度和可靠性。