

CHAPTER 11

ELECTRONIC COMMERCE

ARTICLE 1101

Objectives and Definitions

- 1. The Parties recognise the economic growth and opportunities provided by electronic commerce, the importance of avoiding barriers to its use and development, and the applicability of relevant WTO rules.
- 2. The objective of this Chapter is to promote electronic commerce between the Parties, including by encouraging cooperation on e-commerce alliances.
- 3. For the purposes of this Chapter:
 - (a) “electronic version” means a document in an electronic format prescribed by a Party, including a document sent by facsimile transmission; and
 - (b) “trade administration documents” means paper forms issued or controlled by the Government of a Party which must be completed by or for an importer or exporter in relation to the import or export of goods.

ARTICLE 1102

Customs Duties

Each Party shall maintain its current practice of not imposing customs duties on electronic transmissions between Australia and Thailand.

CHAPTER 11

电子商务

ARTICLE 1101

目标和定义

- 1. 各方承认电子商务带来的经济增长和机遇，避免其使用和发展障碍的重要性，以及相关WTO规则的可适用性。
- 2. 本章的目的是促进各方之间的电子商务，包括通过鼓励电子商务联盟的合作。
- 3. 本章规定：
 - (a) “电子版本”是指一方规定的电子格式文件，包括通过传真传输发送的文件；以及
 - (b) “贸易管理文件”是指由一方政府签发或控制的纸质表格，进口商或出口商必须根据商品进出口的相关情况填写或提交。

ARTICLE 1102

关税

每一方应维持其当前在澳大利亚和泰国之间电子传输不征收关税的惯例。

ARTICLE 1103

Domestic Regulatory Frameworks

1. Each Party shall maintain domestic legal frameworks governing electronic transactions based on the *UNCITRAL Model Law on Electronic Commerce* 1996.
2. Each Party shall:
 - (a) minimise the regulatory burden on electronic commerce; and
 - (b) ensure that regulatory frameworks support industry-led development of electronic commerce.

ARTICLE 1104

Electronic Authentication and Digital Certificates

1. Each Party shall maintain domestic legislation for electronic authentication that:
 - (a) permits parties to electronic transactions to determine the appropriate authentication technologies and implementation models for their electronic transactions, without limiting the recognition of such technologies and implementation models; and
 - (b) permits parties to electronic transactions to have the opportunity to prove in court that their electronic transactions comply with any legal requirements.
2. The Parties shall work towards the mutual recognition of digital certificates at government level, based on internationally accepted standards.
3. The Parties shall encourage the interoperability of digital certificates in the business sector.

ARTICLE 1105

Online Consumer Protection

Each Party shall, to the extent possible and in a manner considered appropriate by each Party, provide protection for consumers using electronic commerce that is at least equivalent to that provided for consumers of other forms of commerce under their respective laws, regulations and policies.

ARTICLE 1103

国内监管框架

1. 每一方应根据 *UNCITRAL* 电子商务示范法 1996 维持管理电子交易的国内法律框架。
2. 每一方应：
 - (a) 最大限度地减少对电子商务的监管负担；以及 (b) 确保监管框架支持电子商务的行业主导发展。

ARTICLE 1104

电子认证和数字证书

1. 每一方应维持电子认证的国内立法，该立法应：
 - (a) 允许电子交易各方确定其电子交易的适当认证技术和实施模型，而不限对这类技术和实施模型的认可；以及 (b) 允许电子交易各方有机会在法庭上证明其电子交易符合任何法律要求。
2. 各方应致力于在政府层面基于国际公认标准实现数字证书的互认。
3. 各方应鼓励商业领域数字证书的互操作性。

ARTICLE 1105

在线消费者保护

每一方应当，在可能的情况下并以每一方认为适当的方式，为使用电子商务的消费者提供保护，其程度至少应相当于根据其各自的法律、法规和政策为其他形式商业的消费者提供的保护，。

ARTICLE 1106

Online Personal Data Protection

1. Notwithstanding the differences in existing systems for personal data protection in the territories of the Parties, each Party shall take such measures as it considers appropriate and necessary to protect the personal data of users of electronic commerce.
2. In the development of data protection standards, each Party shall, to the extent possible, take into account international standards and the criteria of relevant international organisations.

ARTICLE 1107

Paperless Trading

1. Each Party shall accept the electronic format of trade administration documents as the legal equivalent of paper documents except where:
 - (a) there is a domestic or international legal requirement to the contrary; or
 - (b) doing so would reduce the effectiveness of the trade administration process.
2. The Parties shall cooperate bilaterally and in international forums to enhance acceptance of electronic versions of trade administration documents.

ARTICLE 1108

Cooperation on E-Commerce

1. The Parties shall encourage cooperation in research and training activities that would enhance the development of e-commerce, including by sharing best practices on e-commerce development
2. The Parties shall encourage cooperative activities to promote e-commerce, including those that would improve the effectiveness and efficiency of e-commerce.

ARTICLE 1106

在线个人数据保护

1. 尽管各方领土内现有的个人数据保护系统存在差异，每一方应采取其认为适当且必要的措施，以保护电子商务用户的个人数据。
2. 在制定数据保护标准时，每一方应在可能范围内，考虑国际标准以及相关国际组织的相关标准。

ARTICLE 1107

无纸化交易

1. 除特殊情况外，每一方应接受贸易管理文件的电子格式作为纸质文件的法定等效形式。
 - (a) 存在与此相反的国内或国际法律要求；或 (b) 这样做将降低贸易管理流程的有效性。
2. 各方应在双边和多边论坛上合作，以提高贸易管理文件的电子版本接受度。

ARTICLE 1108

电子商务合作

1. 各方应鼓励合作开展研究和培训活动，以促进电子商务的发展，包括分享电子商务发展的最佳实践
2. 双方应鼓励合作活动以促进电子商务，包括那些将提高电子商务有效性和效率的活动。

Non-Application of Dispute Settlement Provisions

Except for Article 1102, Chapter 18 shall not apply to the provisions of this Chapter.

不适用争议解决条款

除第1102条外，第18章不适用于本章的规定。