

ANNEX-B
ELECTRONIC COMMERCE

ARTICLE 1: OBJECTIVE AND PRINCIPLES

1. The Parties, recognising that electronic commerce increases trade opportunities in many sectors, agree, to enhance cooperation and dialogue on the issues raised by electronic commerce under the provisions of this Annex.
2. The Parties agree that the administration and development of electronic commerce must be subject to their respective law and compatible with the international standards of data protection, in order to ensure the confidence of users of electronic commerce.
3. The Parties agree that deliveries by electronic means shall be considered as the provision of services, within the meaning of Chapter 11 (Trade in Services), which cannot be subject to customs duties.

ARTICLE 2: REGULATORY ASPECTS OF E-COMMERCE

1. The Parties shall maintain a dialogue on regulatory issues raised by electronic commerce, which will address *inter alia* the following issues:
 - (a) the recognition of certificates of electronic signatures issued to the public and the facilitation of cross-border certification services;
 - (b) the liability of intermediary service providers with respect to the transmission, or storage of information;
 - (c) the treatment of unsolicited electronic commercial communications;
 - (d) the protection of consumers in the ambit of electronic commerce, from among others fraudulent and misleading commercial practices in the cross border context;
 - (e) the protection of personal data;
 - (f) the promotion of paperless trading;
 - (g) any other issue relevant for the development of electronic commerce.
2. The Parties shall conduct such cooperation, *inter alia*, in the form of an exchange of information on the legislation and jurisprudence, if relevant of the respective Parties on these matters, as well as on the implementation of such legislation.

ARTICLE 3: PROTECTION OF PERSONAL DATA

1. Nothing in this Annex restricts the right of a Party to protect personal data, personal privacy and the confidentiality of individual records and accounts, and other information protected under the law of that Party.

2. Insofar as possible, the Parties shall endeavor, within their respective competences, to develop or maintain, as the case may be, domestic law for the protection of personal data.

ARTICLE 4: PAPERLESS FOREIGN TRADE MANAGEMENT

1. Insofar as possible, within their respective competences, the Parties shall endeavor to make foreign trade administration documents available to the public in electronic form.

2. Insofar as possible, within their respective competences, the Parties shall endeavor to accept trade administration documents¹ presented electronically as the legal equivalent of their paper version.

ARTICLE 5: CONSUMER PROTECTION

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

2. The Parties recognize the importance of the reinforcement of consumer protection and of cooperation between national consumer protection authorities in activities relating to electronic commerce.

¹ For greater certainty, “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 imports or exports of goods.