

CHAPTER TWELVE ELECTRONIC COMMERCE

ARTICLE 12.1: OBJECTIVES AND PRINCIPLES

1. The Parties, recognizing the economic growth and trade opportunities that electronic commerce provides, the importance of avoiding barriers to its use and development, and the applicability of the WTO Agreement to measures affecting electronic commerce, agree to promote the development of electronic commerce between them, in particular by cooperating on issues arising from electronic commerce under this Chapter.

2. The Parties agree that the development of electronic commerce shall be fully compatible with international standards of data protection, in order to ensure the confidence of users of electronic commerce.

ARTICLE 12.2: CUSTOMS DUTIES

1. Neither Party may apply customs duties, fees, or charges on or in connection with the importation or exportation of products by electronic means.

2. For greater certainty, this Chapter does not preclude a Party from imposing internal taxes or other internal charges on products delivered electronically, provided that such taxes or charges are imposed in a manner that is consistent with this Agreement.

ARTICLE 12.3: ONLINE PERSONAL DATA PROTECTION

Each Party shall adopt or maintain measures which ensure the protection of the personal data of the users of electronic commerce. In the development of personal data protection standards, each Party shall take into account international standards and the criteria of relevant international organizations.

ARTICLE 12.4: PAPERLESS TRADE ADMINISTRATION

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

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

ARTICLE 12.5: 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.

2. The Parties recognize the importance of cooperation between their respective national consumer agencies on activities related to cross-border electronic commerce in order to enhance consumer welfare.

ARTICLE 12.6: COOPERATION

1. The Parties shall endeavor to establish cooperation mechanisms on issues arising from electronic commerce, which will, *inter alia*, address the following:

- (a) the recognition of certificates of electronic signatures issued to the public and the facilitation of cross-border certification services;
- (b) the protection of personal data;
- (c) the liability of providers with respect to the transmission or storage of information;
- (d) the treatment of unsolicited commercial electronic messages;
- (e) the security of electronic commerce;
- (f) the protection of consumers in the field of electronic commerce; and
- (g) any other issue relevant for the development of electronic commerce.

2. The Parties shall endeavor to share information and experiences on laws and regulations related to electronic commerce and shall cooperate to help micro, small, and medium-sized enterprises overcome the obstacles they face in the use of electronic commerce.

3. Recognizing the global nature of electronic commerce, the Parties agree to actively participate in regional and multilateral fora to promote the development of electronic commerce and to exchange views, as necessary, within the framework of such fora on issues related to electronic commerce.

ARTICLE 12.7: RELATION TO OTHER CHAPTERS

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

ARTICLE 12.8: DEFINITIONS

For purposes of this Chapter:

personal data means any information about an identified or identifiable natural person;

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

unsolicited commercial electronic messages means an electronic message including a voice or fax message which is sent for commercial purposes to a consumer without the consent of the recipient, or against the explicit rejection of the recipient, using an internet carriage service or other telecommunications services.