

FACTSHEET ON THE WTO E-COMMERCE AGREEMENT

A. Enabling Electronic Commerce

Electronic Transactions Framework

- The E-Commerce Agreement encourages the adoption of legal frameworks that recognize electronic transactions and treat electronic and paper-based information as legal equivalents. The E-Commerce Agreement also encourages legal use and recognition of electronic transferable records, such as bills of lading, bills of exchange and promissory notes.

Electronic Invoicing (E-invoicing)

- The E-Commerce Agreement ensures that electronic invoices are legally valid, with any exceptions clearly set out in legislation or regulations. It also seeks to establish common principles and cooperation on interoperability of e-invoicing frameworks to support cross-border interoperability.

Electronic Signatures (E-signatures)

- The E-Commerce Agreement enables businesses and consumers to trust that signatures, seals, time stamps and registered delivery services are accepted in their electronic forms. It also encourages cooperation on the mutual recognition of e-signatures.

Electronic Authentication (E-authentication)

- The E-Commerce Agreement facilitates interoperable e-authentication and allows businesses to adopt appropriate authentication and signature methods for their transactions, subject to certain performance standards or certification by an accredited authority, where required.

Electronic Contracts

- The E-Commerce Agreement ensures that electronic contracts are not denied validity and legal enforceability because they have been made by electronic means, with exceptions set out in legislation or regulations. This helps businesses and consumers reduce costs and enhance accessibility by allowing remote conclusion of contracts with enhanced security protection.

Paperless Trading

- The E-Commerce Agreement promotes the use, exchange and acceptance of electronic trade documents, thereby reducing administrative barriers, transaction costs and time taken to import and export goods.

Single Window

- The E-Commerce Agreement streamlines import, export, and transit procedures for businesses by encouraging parties to allow trade administration documents to be submitted through a single-entry point in each jurisdiction. This will make trade faster, simpler, and cheaper while enabling enhanced compliance, safeguarding and security across the supply chain.

Electronic Payments (E-payments)

- The E-Commerce Agreement provides regulation of e-payments, to create an environment to allow innovative firms to thrive, both domestically and internationally. It also provides a baseline for the development of regulations for this crucial sector and facilitates transparency and fosters the adoption of international standards.

B. Openness and Electronic Commerce

Customs Duties on Electronic Transmissions

- The E-Commerce Agreement prohibits the imposition of customs duties on electronic transmissions between a person of one party and a person of another party. This provides businesses the certainty to

trade openly in the new global digital economy. Parties may review the Article after five years and consider whether any amendments are appropriate.

Open Government Data

- The E-Commerce Agreement facilitates public access to government data to foster economic and social development, competitiveness, and innovation.

Access to and Use of the Internet for Electronic Commerce

- The E-Commerce Agreement recognizes the importance of open access to and use of the internet for e-commerce.

C. Trust and Electronic Commerce

Online Consumer Protection

- The E-Commerce Agreement requires parties to put in place legal frameworks that protect online consumers from misleading, fraudulent, and deceptive commercial activities. It also promotes access to and awareness of consumer redress or recourse mechanisms.

Unsolicited Commercial Electronic Messages

- The E-Commerce Agreement requires each party to put in place measures to minimize unsolicited commercial electronic messages, such as allowing recipients to opt out from receiving such messages and requiring consent prior to receiving commercial messages or other methods. This provides an important global baseline to ensure that consumers are protected from spam and encourages international cooperation in this space.

Personal Data Protection

- The E-Commerce Agreement locks in a commitment from parties to put in place legal frameworks that provide for the protection of personal data to increase business and consumer trust and confidence

in digital trade. It also encourages compatibility between different data protection regimes to ensure consistently high levels of protection across borders.

Cybersecurity

- The E-Commerce Agreement facilitates cooperation, the development of national cybersecurity capabilities and risk-based approaches to cybersecurity while minimizing trade barriers.

D. Transparency, Cooperation, and Development

Working Together on Digital Trade

- The E-Commerce Agreement provides a framework to facilitate digital trade to unleash its transformative potential for the benefit of people, businesses, workers, and consumers around the world.

Development and Capacity Building

- Inclusion is at the heart of this E-Commerce Agreement. In response to challenges and opportunities faced by developing and least-developed countries (LDC) Members on digital trade, the E-Commerce Agreement provides a broad and practical commitment to inclusivity by prioritising tangible support for their participation. The E-Commerce Agreement contains an effective, multi-avenue approach to supporting them to implement the E-Commerce Agreement, through a combination of implementation periods, needs assessments, capacity building and technical assistance.
- This is complemented by the Capacity Building Framework (CBF) established by the Co-Convenors and Switzerland. The CBF aims to strengthen digital inclusion. With the support of relevant international organisations, the CBF provides targeted needs assessment, technical assistance and capacity building initiatives designed to strengthen regulatory, institutional and digital infrastructure capacities. This enables developing and LDC parties to capitalize on the extensive opportunities presented by digital trade.

E. Telecommunications

- The E-Commerce Agreement builds on existing WTO obligations and commitments to modernize global trade rules governing telecommunications to reflect technological advancements. It encourages parties to assign frequencies through open processes using market-based approaches that underpin competitive markets and provide greater choice to businesses, workers, and consumers.

F. Institutional arrangements and final provisions

- The E-Commerce Agreement sets out a pathway for parties to periodically review commitments to ensure it stays up to date and relevant, and to return to negotiations in the future on issues not addressed in the E-Commerce Agreement.