

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 Thailand and Australia.

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 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 1109

Non-Application of Dispute Settlement Provisions

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