

Electronic transaction frameworks

The rule requires each Member to maintain a legal framework governing electronic transactions (in broad terms), supplemented by several extra obligations related to elaboration and implementation of such a framework.

SUMMARY OF THE PROPOSALS INCORPORATED IN THE JSI CONSOLIDATED TEXT

Regulatory thresholds: the JSI submissions point to establishment / maintenance of the domestic framework taking into account the “principles” of the UNCITRAL Model Law (s) (e.g. **non-discrimination, functional equivalence, and technological neutrality**).

NB: Among the UNCITRAL instruments potentially concerned: the UNCITRAL Model Law on Electronic Commerce 1996; UNCITRAL Model Law on Electronic Signatures, 2001; the United Nations Convention on the Use of Electronic Communications in International Contracts, 2005; and the UNCITRAL Model Law on Electronic Transferrable Records, 2017.

Administration of e-commerce measures: The JSI participants attribute considerable attention to administration of e-commerce measures (in transparent, objective, reasonable, impartial manner, not more burdensome than required), albeit subject to legitimate public policy objectives exception. It is also suggested to extend domestic regulation framework of the GATS (Art. VI) to e-commerce and the recently adopted WTO JSI on Services – Domestic Regulation.

Avoidance / minimization of regulatory burden: The JSI participants seek to avoid measures that unduly hinder e-commerce or have effect of treating e-commerce in a more restrictive manner than the commerce conducted by other means.

Stakeholder engagement: The emphasis is made on simplification of input by interested persons in the development of framework of electronic transactions and ensuring that the regulatory framework is supported by industry-lead developments.