



**Asia-Pacific
Economic Cooperation**

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Session: 5.1

Chile's Experience on Comprehensive and Progressive Agreement for Trans-Pacific Partnership and Digital Economy Negotiations

Submitted by: Chile



**Free Trade Area of Asia-Pacific Capacity
Building Workshop on E-Commerce
Elements in Free Trade Agreements and
Regional Trade Agreements
8-9 September 2021**

- Interest in Digital Economy for Chile:



Strong link between inclusion and democratization in the digital economy.



Data as enabler for innovation.
Promote the use of data as a main tool for entrepreneurship



Develop a strong digital economy including creative industries and ICT products and services

Layers:



Infrastructure

- Telecommunications



Contents and applications

- Electronic commerce

Key aspects:



Free data flows



No forced localization of
computer facilities



No discrimination of Digital
Products



Digital Signature

Consumer Protection

Source Code

Cooperation

Paperless Trading



CHILE'S DIGITAL ECONOMY FTA


Electronic Commerce

	2004 – United States
	2009 - Australia
	2009 – Colombia
	2016 – Pacific Alliance
	2018 – Uruguay
	2019 - Argentina
	2020 – DEPA (November)

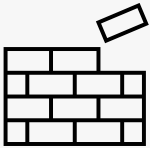
Telecommunications

	1997-Canadá
	1999 - México
	2002 – Central America
	2003 – European Union
	2004 – South Korea
	2004 – EFTA
	2004 – United States
	2009 – Australia
	2016 – Pacific Alliance
	2019 - Argentina

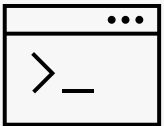
Signed

	2017 - CPTPP
	2018 – China (updated)
	2018 – Brazil
	2020 – Ecuador

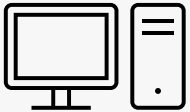
CPTPP aligns with Chile's main trade objectives:



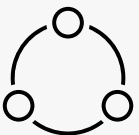
To make permanent the Moratorium on imposing tariffs to electronic transmissions, including content.



Commitments on no discrimination (NT and MFN)



No force localization of computer facilities



Free flow of data (but with the flexibility to apply some exceptions like data privacy protection)


Key articles are:

- Customs Duties
- Non-Discriminatory Treatment of Digital Products
- Online Consumer Protection
- Personal Information Protection
- Principles on Access to and Use of the Internet for Electronic Commerce
- Cross-Border Transfer of Information by Electronic Means
- Location of Computing Facilities
- Unsolicited Commercial Electronic Messages
- Source Code


But we also find interesting other disciplines that aim to establish a trustful legal framework for e-commerce:

- Domestic Electronic Transactions Framework
 - Electronic Authentication and Electronic Signatures
 - Paperless Trading
 - Internet Interconnection Charge Sharing
 - Cooperation
 - Cooperation on Cybersecurity Matters
 - Dispute Settlement
- 

Main lessons of the negotiations:

- Two tier negotiations, working with internal Ministries and Agencies
 - Civil society communication. How to talk with them
 - Avoid highly technical/difficult to understand language
 - How to engage with specific stakeholders
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For newer negotiations Chile has been including:

- Engagement with civil society, implementing dialogues to get feedback from stakeholders
 - Focus on offensive issues by our local SME. What do they need to enter markets?
 - Use CPTPP as a base layer for new Digital Agreements (DEPA) and Digital Initiatives (RDM)
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General objectives for Pacific Alliance's RDM:



OTHER INITIATIVES



Digital Economy Partnership Agreement (DEPA)



Joint Statement on Electronic Commerce Initiative

