CHAPTER 9

DIGITAL ECONOMY

Article 9.1: Principles and Objectives

1. The Parties recognise the depth and strength of their close economic relationship, underpinned comprehensively by the Joint Statement of the *China-ASEAN Special Summit to Commemorate the 30th Anniversary of China-ASEAN Dialogue Relations*; and recognise the significant economic growth and opportunities provided by digital economy. To this end, the Parties agree to create more opportunities and foster new areas of cooperation in the digital economy and realise digital transformation taking into account each Party's readiness, in terms of capacity, regulations, and infrastructures.

2. The Parties will jointly foster an open, inclusive, fair, and equitable environment for the development of the digital economy, narrow the digital divide and promote digital connectivity.

3. The Parties acknowledge the importance of a safe and reliable digital environment as well as frameworks and policies, that support innovation in facilitating the development and cooperation of the digital economy between the Parties.

4. The Parties are committed to promoting the prosperous development of the digital economy in the region.

5. The objectives of this Chapter are to:

   (a) deepen economic relations and support the growth of the digital economy cooperation between the Parties, including by leveraging emerging technologies;

   (b) contribute to creating an environment of trust and confidence in the use of the digital economy;

   (c) enhance cooperation among the Parties regarding the development of the digital economy;

   (e) facilitate greater business-to-business and research links between the Parties in the digital economy; and

(f) promote inclusive development of the digital economy, such as by enhancing access for micro, small and medium enterprises to the digital economy.

Article 9.2: Definitions

For the purposes of this Chapter:

(a) **computing facilities** means computer servers and storage devices for processing or storing information for commercial use;

(b) **covered person** means:

(i) a "covered investment" as defined with respect to Party, an investment in its territory of an investor of another Party in existence as of the date of entry into force of the CAFTA 3.0 Upgrade Protocol or established, acquired, or expanded thereafter, and which, where applicable, has been admitted[1, 2] by the host Party, subject to its relevant laws, regulations, and policies;[3]

(ii) an "investor of a Party" as defined as a natural person of a Party or a juridical person of a Party that seeks to make,[4] is making, or has made an investment in the territory of another Party, but does not include an investor in a financial

[1] For Malaysia and Thailand, protection under this Chapter shall be accorded to covered investments which, where applicable, have been specifically approved in writing for protection by their respective competent authorities in accordance with their respective laws, regulations, and policies.

[2] For Cambodia, Indonesia, and Viet Nam, "has been admitted" means "has been specifically registered or approved in writing, as the case may be".

[3] For the purposes of this definition, "policies" means those policies affecting an investment that are endorsed and announced by the government of a Party in a written form and made publicly available in a written form.

[4] For greater certainty, the Parties understand that an investor "seeks to make" an investment when that investor has taken concrete action or actions to make an investment. Where a notification or approval process is required for making an investment, an investor that "seeks to make" an investment refers to an investor that has initiated such notification or approval process.

institution or an investor in a financial service supplier[5]; or

(iii) a "service supplier" as defined in the *Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-operation between the People's Republic of China and the Association of Southeast Asian Nations*,

but does not include a "financial service supplier" and "public entity" as defined in Article 5 (Definitions) of the Annex on Financial Services of the WTO General Agreement on Trade in Services (GATS);

(c) **customs duty** means any customs or import duty and a charge of any kind imposed in connection with the importation of a good, but does not include any:

(i) charge equivalent to an internal tax imposed consistently with paragraph 2 of the Article III of WTO General Agreement on Tariffs and Trade 1994 (GATT 1994);

(ii) anti-dumping or countervailing duty applied consistently with Article VI of GATT 1994, the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement"), and the WTO Agreement on Subsidies and Countervailing Measures ("SCM Agreement"); or

(iii) fees or other charges commensurate with the cost of services rendered;

(d) **electronic authentication** means the process of verifying or testing an electronic statement or claim, in order to establish a level of confidence in the statement's or claim's reliability;

(e) **electronic invoicing** means the exchange and processing of an invoice between a supplier and a buyer using a structured digital format;

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[5] "Financial service supplier" is as defined in in Article 5 (Definitions) of the Annex on Financial Services of the WTO General Agreement on Trade in Services (GATS).

(f) **electronic payment** means the payer's transfer of a monetary claim on a person that is acceptable to the payee and made through electronic means, but does not include payment services of central banks involving settlement between financial service suppliers[6];

(g) **enterprise** means any entity constituted or organised under applicable law, whether or not for profit, and whether privately owned or governmentally owned including any corporation, trust, partnership, joint venture, sole proprietorship, association, or similar organization;

(h) **existing** means in effect on the date of entry into force of the CAFTA 3.0 Upgrade Protocol;

(i) **financial services** is as defined in subparagraph 5(a) of the Annex on Financial Services of GATS;

(j) **financial technology** ("**FinTech**") means the use of technology to improve and automate the delivery and use of financial services according to the respective Party's domestic laws and regulations;

(k) **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;

(l) **person** means a natural person or an enterprise;

(m) **personal data** means any information relating to an identified or identifiable natural person;

(n) **public telecommunications network** means public telecommunications infrastructure used to provide public telecommunications services between and among defined network termination points;

(o) **public telecommunications service** means any telecommunications service required, explicitly or in effect, by a Party to be offered to the public generally. Such services may include telegraph, telephone, telex, and

[6] For greater certainty, nothing in this Article requires a Party to grant electronic payments services suppliers of another Party not established in its territory access to payment services of central banks that involve settlement between financial services suppliers.

data transmission typically involving the real-time transmission of customer-supplied information between two or more defined points without any end-to-end change in the form or content of the customer's information;

(p) **trade administration documents** means forms issued or controlled by a Party which must be completed by or for an importer or exporter in relation to the import or export of goods; and

(q) **unsolicited commercial electronic message** means an electronic message which is sent for commercial or marketing purposes to an electronic address, without the consent of the recipient or despite the explicit rejection of the recipient.[7]

Article 9.3: Scope

1. This Chapter shall apply to measures adopted or maintained by a Party that affect the digital economy.

2. This Chapter shall not apply to:

   (a) financial services provided by, financial services supplier, and public entity, except for Article 9.9 (Electronic Payments) and Article 9.19 (Financial Technology Cooperation);

   (b) government procurement; or

   (c) information held or processed by or on behalf of a Party, or measures related to such information, including measures related to its collection.

3. Article 9.9 (Electronic Payments), Article 9.11 (Cross-Border Transfer of Information by Electronic Means), and Article 9.12 (Location of Computing Facilities) shall not apply to aspects of a Party's measures that do not conform with an obligation in

[7] A Party may apply the definition to unsolicited commercial electronic messages delivered through one or more modes of delivery, including Short Message Service (SMS) or e-mail. Notwithstanding this footnote, the Parties should endeavour to adopt or maintain measures consistent with Article 9.14 (Unsolicited Commercial Electronic Messages) that apply to other modes of delivery of unsolicited commercial electronic messages.

Agreement on Trade in Services or the Agreement on Investment to the extent that such measures are adopted or maintained in accordance with:

(a) any terms, limitations, qualifications, and conditions specified in a Party's commitments, or are with respect to a sector that is not subject to a Party's commitments, made in accordance with Article 21 (Schedule of Specific Commitments) in Agreement on Trade in Services; or

(b) any exception that is applicable to the obligations in Agreement on Trade in Services or Agreement on Investment.

Article 9.4: Paperless Trading

1. Each Party shall:

(a) work towards implementing initiatives which provide for the use of paperless trading, taking into account the methods agreed by relevant international organisations, including the World Customs Organization;

(b) endeavour to accept trade administration documents submitted electronically as the legal equivalent of the paper version of such trade administration documents;

(c) endeavour to make trade administration documents available to the public in electronic form; and

(d) endeavour to provide electronic versions of trade administration documents referred to in this paragraph in English.

2. Noting the obligations in the WTO Trade Facilitation Agreement, each Party shall establish or maintain a single window that endeavours to enable traders to submit documentation or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies.

3. The Parties shall endeavour to establish or maintain a seamless, trusted, high-availability[8] and secure interconnection of their respective single windows to facilitate the exchange of agreed data relating to trade administration documents, according to their domestic laws and regulations, and readiness in terms of capacity and infrastructure. Such trade administration documents shall be jointly determined by the Parties.

4. The Parties recognise the importance of the exchange of electronic records[9] used in commercial trading activities between the Parties' businesses. To this end, the Parties are encouraged to explore and facilitate the use and exchange of electronic records used in commercial cross-border trading activities between the Parties' businesses where relevant in each jurisdiction, such as electronic bills of lading.

5. The Parties shall cooperate and collaborate on initiatives which promote and advance the use and adoption of the data exchange systems referred to in paragraphs 3 and 4 in accordance with their domestic laws and regulations, and readiness in terms of capacity and infrastructure, including through:

   (a) sharing of information, experiences, and best practices in the area of development and governance of the data exchange systems; and

   (b) collaboration on pilot projects in the development and governance of data exchange systems.

6. In developing other initiatives which provide for the use of paperless trading, each Party shall endeavour to take into account the methods agreed by relevant international organisations.

Article 9.5: Electronic Authentication and Electronic Signatures

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[8] For greater certainty, "high-availability" refers to the ability of a single window to continuously operate. It does not prescribe a specific standard of availability.

[9] For the purposes of this provision, "electronic records" means information generated, communicated, received or stored by electronic means in an information system or for transmission from one information system to another or as otherwise set out in each Party's respective laws and regulations. For greater certainty, information, where appropriate, includes all information logically associated with or otherwise linked together so as to become part of the record, whether generated contemporaneously or not.

1. Except in circumstances otherwise provided for under its laws and regulations, a Party shall not deny the legal validity of a signature solely on the basis that the signature is in electronic form.[10]

2. Taking into account international norms for electronic authentication, each Party shall:

   (a) permit participants in electronic transactions to determine appropriate electronic authentication technologies and implementation models for their electronic transactions;

   (b) not limit the recognition of electronic authentication technologies and implementation models for electronic transactions; and

   (c) permit participants in electronic transactions to have the opportunity to prove that their electronic transactions comply with its laws and regulations with respect to electronic authentication.

3. Notwithstanding paragraph 2, each Party may require that, for a particular category of electronic transactions, the method of electronic authentication meets certain performance standards or is certified by an authority accredited in accordance with its laws and regulations.

4. The Parties shall encourage the use of interoperable electronic authentication.

Article 9.6: Domestic Electronic Transactions Framework

1. Each Party shall adopt or maintain a legal framework governing electronic transactions consistent with the principles of the *United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce (1996) or the United Nations Convention on the Use of Electronic Communications in International Contracts*, done at New York on 23 November 2005.

[10] Cambodia and Myanmar shall not be obliged to apply paragraph 1 before 1 January 2027.

2. Each Party shall maintain or endeavour to adopt a legal framework which takes into account the *UNCITRAL Model Law on Electronic Transferable Records (2017)*.

3. Each Party shall endeavour to:

   (a) avoid any unnecessary regulatory burden on electronic transactions; and

   (b) take into account input by interested persons[11] in the development of its legal framework for electronic transactions, including in relation to trade documentation.

Article 9.7: Logistics

1 The Parties recognise the importance of efficient cross-border logistics which help lower the cost and improve the speed and reliability of supply chains.

2. The Parties shall endeavour to share best practices regarding the logistics sector, including the following:

   (a) last mile deliveries, including on-demand and dynamic routing solutions;

   (b) the use of electric, remote controlled, and autonomous vehicles;

   (c) facilitating the availability of cross-border options for the delivery of goods, such as federated lockers and parcel lockers;

   (d) new delivery and business models for logistics; and

   (e) end-to-end multi modal digital tracking system for deliveries.

Article 9.8: Electronic Invoicing

1. The Parties recognise the importance of electronic invoicing to increase the efficiency, accuracy, and reliability of commercial

[11] For the purposes of paragraph 3, a Party may limit "interested persons" to those persons provided for in, and in accordance with, its laws and regulations.

transactions. The Parties also recognise the benefits of interoperable electronic invoicing systems. When developing measures related to electronic invoicing, a Party shall endeavour to take into account international standards, where applicable, and in accordance with its readiness in terms of capacity, regulations and infrastructure.

2. In accordance with each Party's readiness in terms of capacity, regulations, and infrastructure, each Party shall endeavour to ensure that the implementation of measures related to electronic invoicing in its territory supports cross-border interoperability between the Parties' electronic invoicing frameworks.

3. The Parties recognise the economic importance of promoting the adoption of interoperable electronic invoicing systems. To this end, the Parties shall endeavour to, where appropriate, share best practices and collaborate on promoting the adoption of interoperable systems for electronic invoicing.

4. The Parties agree to cooperate and collaborate on initiatives which promote, encourage, support, or facilitate the adoption of electronic invoicing by enterprises. To this end, the Parties shall endeavour to:

   (a) promote the existence of policies, infrastructure, and processes that support electronic invoicing;

   (b) generate awareness of, and build capacity, for electronic invoicing; and

   (c) where appropriate, exchange information and cooperate on practices of electronic invoicing.

Article 9.9: Electronic Payments[12]

1. Recognising the rapid growth of electronic payments, in particular those provided by new payment service providers, the Parties shall to the extent practicable support the development of efficient, safe and secure cross-border electronic payments by:

[12] For greater certainty, nothing in this Article shall be construed to impose an obligation on a Party to modify its domestic rules on payments, including the need to obtain licences or permits or the approval of access applications.

(a) fostering the adoption and use of internationally accepted standards for electronic payments;

(b) promoting interoperability and the inter-connection of electronic payment infrastructures; and

(c) encouraging innovation and fair competition in electronic payments services.

2. To this end, and in accordance with their respective laws and regulations, each Party shall, to the extent practicable, endeavour to:

(a) make publicly available, in a timely manner, regulations on electronic payments, including in relation to regulatory approval, licensing requirements, procedures and technical standards;

(b) take into account, for relevant electronic payment systems, international standards for electronic payment messaging such as, but not limited to the International Organization for Standardization Standard ISO 20022 Universal Financial Industry Message Scheme, for electronic data exchange between financial institutions and service suppliers to enable greater interoperability between electronic payment systems;

(c) facilitate the use of open platforms and architecture such as tools and protocols provided for through Application Programming Interfaces ("APIs") and encourage financial institutions and payment service providers to safely and securely make APIs for their products and services available to third parties, where possible, to facilitate greater interoperability, innovation and competition in electronic payments;

(d) enable cross-border authentication and electronic know-your-customer of individuals and businesses using digital identities;

(e) recognise the importance of upholding safety, efficiency, trust and security in electronic payment systems through regulation, and that to the extent practicable the adoption and enforcement of regulations and policies should be proportionate to the risks undertaken by the payment service providers.

(f) facilitate innovation and competition on a level playing field and recognise the importance of enabling the introduction of new financial and electronic payment products and services in a timely manner such as through adopting regulatory and industry sandboxes;

(g) not arbitrarily or unjustifiably discriminate between financial institutions and other payment service providers in relation to access to services and infrastructure necessary for the operation of electronic payment systems; and

(h) finalise decisions on regulatory or licensing approvals in a timely manner.

Article 9.10: Customs Duties

1. Each Party shall maintain its current practice of not imposing customs duties on electronic transmissions between the Parties.

2. The practice referred to in paragraph 1 is in accordance with the WTO Ministerial Decision adopted on 2 March 2024 in relation to the Work Programme on Electronic Commerce (WT/MIN(24)/38).

3. Each Party may adjust its practice referred to in paragraph 1 with respect to any further outcomes in the WTO Ministerial Decisions on customs duties on electronic transmissions within the framework of the Work Programme on Electronic Commerce.

4. The Parties shall review this Article in light of any further WTO Ministerial Decisions in relation to the Work Programme on Electronic Commerce.

5. For greater certainty, paragraph 1 shall not preclude a Party from imposing internal taxes, fees or other charges on electronic transmissions, provided that such taxes, fees, or charges are imposed in a manner consistent with this Agreement.

Article 9.11: Cross-Border Transfer of Information by Electronic Means

1. The Parties recognise that each Party may have its own regulatory requirements concerning the transfer of information by electronic means.

2. Each Party shall not prevent the cross-border transfer of information by electronic means, where such activity is for the conduct of the business of a covered person.[13]

3. Nothing in this Article shall prevent a Party from adopting or maintaining:

   (a) any measure inconsistent with paragraph 2 that it considers necessary to achieve a legitimate public policy objective,[14] provided that the measure is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; or

   (b) any measure that it considers necessary for the protection of its essential security interests. Such measures shall not be disputed by other Parties.

Article 9.12: Location of Computing Facilities

1. The Parties recognise that each Party may have its own regulatory requirements regarding the use of computing facilities, including requirements that seek to ensure the security and confidentiality of communications.

2. No Party shall require a covered person to use or locate computing facilities in that Party's territory as a condition for conducting business in that territory.[15]

3. Nothing in this Article shall prevent a Party from adopting or maintaining:

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[13] Cambodia, Lao PDR and Myanmar shall not be obliged to apply pragraph 2 before 1 January 2027, with an extension until 1 January 2030 if necessary. Viet Nam shall not be obliged to apply paragraph 2 before 1 January 2027.

[14] For the purposes of this subparagraph, the Parties affirm that the necessity behind the implementation of such legitimate public policy shall be decided by the implementing Party.

[15] Cambodia, Lao PDR and Myanmar shall not be obliged to apply paragraph 2 before 1 January 2027, with an extension until 1 January 2030 if necessary. Viet Nam shall not be obliged to apply paragraph 2 before 1 January 2027.

(a) any measure inconsistent with paragraph 2 that it considers necessary to achieve a legitimate public policy objective,[16] provided that the measure is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; or

(b) any measure that it considers necessary for the protection of its essential security interests. Such measures shall not be disputed by other Parties.

Article 9.13: Personal Data Protection

1. The Parties recognise the economic and social benefits of protecting the personal data of participants in the digital economy and the importance of such protection in enhancing confidence in the digital economy and development of trade.

2. To this end, each Party shall adopt or maintain a legal framework that provides for the protection of the personal data of the users of electronic commerce and digital trade. In the development of its legal framework for the protection of personal data, each Party shall take into account principles and guidelines of relevant international bodies.[17,18]

3. The Parties recognise that the principles underpinning a robust legal framework for the protection of personal data may include:

   (a) collection limitation;

   (b) data quality;

   (c) purpose specification;

[16] For the purposes of this subparagraph, the Parties affirm that the necessity behind the implementation of such legitimate public policy shall be decided by the implementing Party.

[17] For greater certainty, a Party may comply with the obligation in this paragraph by adopting or maintaining measures, such as a comprehensive privacy, personal information or personal data protection laws, sector-specific laws covering data protection or privacy, or laws that provide for the enforcement of voluntary undertakings by enterprises relating to data protection or privacy.

[18] Cambodia, Lao PDR and Myanmar shall not be obliged to apply paragraph 2 before 1 January 2027.

(d) use limitation;

(e) security safeguards;

(f) transparency;

(g) individual participation; and

(h) accountability.

4. Each Party shall adopt or maintain laws or regulations that are non-discriminatory in protecting users of electronic commerce from personal data protection violations occurring within its jurisdiction.

5. Each Party shall publish information on the personal data protection it provides to users of electronic commerce, including how:

(a) individuals can pursue remedies; and

(b) businesses can comply with any legal requirements.

6. Recognising that the Parties may take different legal approaches to protecting personal data, each Party shall encourage the development and adoption of mechanisms to promote compatibility and where appropriate, interoperability, between different legal frameworks for protecting personal data. The Parties also recognise that, in accordance with their respective laws and regulations, there are other existing mechanisms, including contractual provisions, for the transfer of personal data across their territories to ensure the protection of personal data.

7. The Parties shall endeavour and encourage relevant stakeholders to exchange information on how the mechanisms referred to in paragraph 6 are applied in their respective jurisdictions and explore ways to extend these or other suitable arrangements to promote compatibility and, where appropriate, interoperability between them.

8. In accordance with each Party's policies, laws and regulations, the Parties shall encourage the development of tools for businesses to demonstrate compliance with personal data protection principles, guidelines or best practices.

9. The Parties shall endeavour to exchange information and share experiences on the compliance tools referred to in paragraph 8.

Article 9.14: Unsolicited Commercial Electronic Messages

1. Each Party shall adopt or maintain measures regarding unsolicited commercial electronic messages that:

   (a) require suppliers of unsolicited commercial electronic messages to facilitate the ability of recipients to stop receiving such messages;

   (b) require the consent, as specified according to its laws and regulations, of recipients to receive commercial electronic messages; or

   (c) otherwise provide for the minimisation of unsolicited commercial electronic messages.

2. Each Party[19] shall provide recourse against suppliers of unsolicited commercial electronic messages that do not comply with the measures adopted or maintained pursuant to paragraph 1.

3. The Parties shall endeavour to cooperate in appropriate cases of mutual concern regarding the regulation of unsolicited commercial electronic messages.

Article 9.15: Cybersecurity

1. The Parties have a shared vision to promote a secure cyberspace to achieve global prosperity and recognise that cybersecurity underpins the digital economy.

2. The Parties recognise the importance of:

   (a) building the capabilities of their respective competent authorities responsible for computer security incident responses including through the exchange of best practices; and

[19] Myanmar shall not be obliged to apply paragraph 2 before 1 January 2027.

(b) using existing collaboration mechanisms to cooperate on matters related to cybersecurity.

Article 9.16: Digital Infrastructure Connectivity

1. The Parties recognise the fundamental role of digital infrastructure in fostering the digital economy, and the importance of creating an enabling environment for enhancing digital infrastructure development and resilient digital infrastructure connectivity.

2. To this end, the Parties shall endeavour to share best practices and experiences, and explore collaborative initiatives in areas of mutual interest, including through other existing international fora that they are a member of.

3. A Party shall not prevent suppliers of public telecommunications networks or services from having the flexibility to choose the technologies that they use to supply their services.

4. Notwithstanding paragraph 3, a Party may apply a measure that limits the technologies that a supplier of public telecommunications networks or services may use to supply its services, provided that the measure is designed to achieve a legitimate public policy objective and is not prepared, adopted, or applied in a manner that creates unnecessary obstacles to trade.

Article 9.17: Digital Identities

1. Recognising that cooperation between the Parties on digital identities, individual or businesses, will increase regional and global connectivity in the digital economy, and recognising that each Party may take different legal and technical approaches to digital identities, the Parties shall endeavour to pursue the development of mechanisms to promote where possible and practicable, compatibility or interoperability between their respective digital identity regimes.

2. To this end, in accordance with each Party's readiness in terms of capacity, regulations and infrastructure, the Parties shall endeavour to facilitate initiatives to promote such compatibility or interoperability, which may include:

(a) developing or adopting appropriate frameworks to foster technical interoperability between each Party's implementation of digital identities;

(b) exchanging knowledge and expertise on best practices relating to digital identity policies and regulations, technical implementation and security standards, and the promotion of the use of digital identities; and

(c) facilitating the implementation of use cases for the mutual recognition of digital identities.

3. For greater certainty, nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraphs 1 and 2 to achieve what it considers a legitimate public policy objective.

Article 9.18: Artificial Intelligence

1. The Parties recognise that the trustworthy, safe, secure, and responsible use and adoption of Artificial Intelligence ("AI") technologies are becoming increasingly important within a digital economy offering social and economic benefits to individuals and organisations. The Parties further recognise that each Party may take different legal approaches to use and develop AI. In accordance with their respective policies, laws and regulations, each Party shall cooperate to optimise the advantages these technologies offer and mitigate the potential risks, through:

(a) encouraging the sharing of knowledge and best practices of AI technology development, industry practices and their governance;

(b) promoting and sustaining the responsible, safe, trustworthy, secure and ethical design, development, deployment and use of AI technologies by businesses and across the community;

(c) encouraging the development of an innovation ecosystem and commercialisation opportunities through collaboration between governments, academia, industries, and communities; and

(d) encouraging cooperation on AI governance principles and ethics.

2. The Parties also recognise the importance of developing ethical governance frameworks for the trustworthy, safe, secure, and responsible use of AI technologies that will help realise the benefits of AI. In view of the cross-border nature of the digital economy, the Parties further acknowledge the benefits of ensuring that such frameworks are internationally aligned as far as practicable.

3. To this end, the Parties shall endeavour to:

(a) collaborate on and promote the development and adoption of frameworks that support the trustworthy , safe, secure and responsible use of AI technologies, through relevant regional and international fora;

(b) take into consideration internationally-recognised principles or guidelines when developing such frameworks.

Article 9.19: Financial Technology Cooperation[20]

The Parties shall encourage cooperation between their FinTech industries. The Parties recognise that effective cooperation regarding FinTech will require the involvement of businesses. To this end, consistent with the laws and regulations of the respective Parties, the Parties shall:

(a) encourage cooperation on FinTech through their respective policy and trade promotion agencies and regulators;

(b) encourage closer and stronger collaboration between their respective FinTech enterprises and industry bodies;

(c) encourage development of FinTech solutions for business or financial sectors;

[20] For greater certainty, nothing in this Article shall be construed to impose an obligation on a Party to modify its domestic rules on regulation and supervision of financial service providers, including the need to obtain licences or permits or the approval of access applications.

(d) encourage collaboration of entrepreneurship or start-up talent between the Parties in FinTech;

(e) encourage their respective FinTech enterprises to use facilities and assistance, where available, in the other Parties' territories to explore new business opportunities, including through the use of streamlined licencing processes and access to regulatory sandboxes where applicable; and

(f) cooperate in relevant regional and international fora to improve opportunities for FinTech enterprises.

Article 9.20: Micro, Small, and Medium Enterprises

1. The Parties recognise the important role of micro, small, and medium enterprises in maintaining and enhancing competitiveness in digital economy.

2. With a view towards enhancing trade and investment opportunities for micro, small, and medium enterprises in the digital economy, the Parties shall endeavour to:

(a) exchange information and best practices in leveraging digital tools and technology to improve the capabilities and market reach of micro, small, and medium enterprises;

(b) encourage participation by micro, small, and medium enterprises in online platforms and other mechanisms that could help micro, small, and medium enterprises link with international suppliers, buyers and other enterprises or potential business partners to mutually benefit from the digital economy;

(c) foster close cooperation on the digital economy between micro, small, and medium enterprises of the Parties;

(d) encourage the collaboration between micro, small, and medium enterprises with appropriate experts, international organisations and private sector in promoting the use of digital technologies by micro, small, and medium enterprises; and

(e) cooperate in other areas of mutual interest, such as capacity-building initiatives that could help micro, small, and medium enterprises adapt and thrive in the digital economy.

Article 9.21: Digital Inclusion

1. The Parties recognise the importance of digital inclusion and that all people and businesses including micro, small, and medium enterprises can participate in, contribute to, and benefit from the digital economy. To this end, the Parties recognise the importance of expanding and facilitating opportunities in the digital economy by addressing barriers to, and encouraging participation in, the digital economy. The Parties also recognise that this may require tailored approaches, developed in consultation with any individuals and groups that disproportionately face such barriers and other relevant stakeholders.

2. To promote digital inclusion, the Parties shall endeavour to cooperate on matters relating to digital inclusion. This may include:

   (a) identifying and addressing barriers to accessing opportunities in the digital economy;

   (b) developing initiatives to promote participation of all groups in the digital economy;

   (c) sharing experiences and best practices, including exchange of experts, with respect to digital inclusion; and

   (d) cooperation in other areas as jointly agreed by the Parties.

Article 9.22: Capacity Building

1. The Parties shall endeavour to cooperate on capacity building in the region on issues including:

   (a) digital connectivity;

(b) micro, small, and medium enterprises digital transformation;

(c) data protection regimes;

(d) mechanisms to facilitate the cross-border transfer of information; and

(e) cross-border e-commerce, including policy and regulatory practice sharing.

2. The Parties agree to work together to promote digital economy cooperation, including at the domestic level, by making full use of the outcomes of this Chapter.

Article 9.23: Transparency

1. The Parties shall publish as promptly as possible or, where that is not practicable, otherwise make publicly available, including on the internet where feasible, all relevant measures of general application pertaining to or affecting the operation of this Chapter.

2. Upon request of a Party, the English version of such publication shall, to the extent practicable, be furnished to the requesting Party.

3. The Parties shall respond as promptly as possible to a relevant request from another Party for specific information on any of its measures of general application pertaining to or affecting the operation of this Chapter.

4. Consistent with its respective domestic policies, laws, and regulations, each Party shall endeavour to:

(a) publish in advance any measure referred to in paragraph 1 that it proposes to adopt or provide in advance an explanation of the objective of and rationale for the measure;

(b) provide interested persons and other Parties with a reasonable opportunity to comment on those proposed measures, including consultations; and

(c) allow a reasonable period of time between the publication of the measure and its entry into force.

Article 9.24: Digital Trade Standards

1. The Parties recognise the important role of relevant international standards in reducing barriers to trade and fostering a well-functioning digital economy, including their potential to decrease trade compliance costs and increase interoperability, reliability, and efficiency.

2. Each Party shall, where appropriate, encourage the adoption of international standards that support digital trade.

3. The Parties shall endeavour to explore collaborative initiatives, share best practices and exchange information on standards, technical regulations and conformity assessment procedures in areas of mutual interest with a view to facilitating electronic commerce and digital trade.

Article 9.25: Anti-Online Scams

1. The Parties recognise that the adverse impacts of online, digital, and telecommunication scams, have become worse and more widespread all over the world, undermining trust and safety in the digital economy.

2. To build a safer and more secure environment to optimize the benefits of the digital economy, the Parties recognise that it is necessary to elevate their collaborative efforts and strengthen cooperation on mitigating and combating online, digital, and telecommunication scams. To this end, the Parties shall, in accordance with their respective laws and regulations, endeavour to:

   (a) share information and best practices on mitigating and combating online, digital and telecommunications scams. Such information and best practices may include:

      (i) policy, legal, regulatory and technical developments;

      (ii) awareness raising activities; and

(iii) government or regulatory enforcement solutions;

(b) conduct activities to build capabilities on mitigating and combating online, digital and telecommunications scams such as through workshops, seminars or forums; and

(c) cooperate in other mutually beneficial activities as agreed by the Parties.

Article 9.26: Work Programme

1. The Parties shall establish a committee to facilitate the implementation of this Chapter.

2. The Parties shall, within two years after the date of entry into force of the CAFTA 3.0 Upgrade Protocol, unless the Parties agree otherwise, commence discussions on the following areas:

   (i) data innovation and big data;

   (ii) non-discriminatory treatment of digital products;

   (iii) cross-border electronic commerce;

   (iv) source code; and

   (v) information and communication technology products that use cryptography.

3. Further to paragraph 2, the work programme may also include discussions on other areas, based on the Parties' mutual interest and agreement.

4. The Parties shall conclude discussions on the work programme no later than two years from the date of commencement of those discussions, or unless the Parties agree otherwise.

5. The outcomes of the work programme initiated under this Article shall be reported to the CAFTA-JC.

Article 9.27: Settlement of Disputes

1. Unless otherwise provided in this Chapter, the Agreement on Dispute Settlement Mechanism, as reaffirmed in Chapter 14

(Dispute Settlement), shall apply to this Chapter, subject to the following:

(a) the Agreement on Dispute Settlement Mechanism shall not apply to Article 9.10 (Customs Duties), Article 9.11 (Cross-Border Transfer of Information by Electronic Means), Article 9.12 (Location of Computing Facilities), and Article 9.13 (Personal Data Protection) until five years after the date of entry into force of the CAFTA 3.0 Upgrade Protocol; and

(b) in relation to Cambodia, Lao PDR, and Myanmar, the Agreement on Dispute Settlement Mechanism shall not apply to any matter arising under this Chapter.

2. Notwithstanding subparagraph 1(b), the Agreement on Dispute Settlement Mechanism may apply in relation to Cambodia, Lao PDR, and Myanmar after a review of the application of the Agreement on Dispute Settlement Mechanism to this Chapter for Cambodia, Lao PDR, and Myanmar, which shall commence within 10 years of the date of entry into force of the CAFTA 3.0 Upgrade Protocol for that Party. In the course of that review, which shall be completed within three years from the date of its commencement, Cambodia, Lao PDR, and Myanmar shall give due consideration to applying the Agreement on Dispute Settlement Mechanism to either the whole or parts of this Chapter.

3. In the event of any difference between the Parties regarding the operation, interpretation, or application of Article 9.10 (Customs Duties), Article 9.11 (Cross-Border Transfer of Information by Electronic Means), Article 9.12 (Location of Computing Facilities), or Article 9.13 (Personal Data Protection), the Parties concerned shall first engage in consultations in good faith and make every effort to reach a mutually satisfactory solution.

4. In the event of any difference between Cambodia, Lao PDR, or Myanmar, or between Cambodia, Lao PDR, or Myanmar and another Party, regarding the operation, interpretation, or application of this Chapter while the Agreement on Dispute Settlement Mechanism does not apply in relation to Cambodia, Lao PDR, and Myanmar, the Parties concerned shall first engage in consultations in good faith and make every effort to reach a mutually satisfactory solution.

5. In the event that the consultations referred to in paragraph 3 or 4 fail to resolve the difference, any Party engaged in the consultations may refer the matter to the CAFTA-JC.

Article 9.28: Provision of Information

On request of any Party, the requested Party shall promptly provide information and respond to questions pertaining to any actual laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Chapter that the requesting Party considers may affect the operation of this Chapter.

Article 9.29: Disclosure of Information

Nothing in this Chapter shall require any Party to provide confidential information, the disclosure of which would be contrary to its laws and regulations or impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

Article 9.30: Amended or Successor International Agreements

If any international agreement, or any provision therein, referred to in this Chapter or incorporated into this Chapter is amended, or such an international agreement is succeeded by another international agreement, the Parties shall, on request of any Party, consult on whether it is necessary to amend this Chapter, unless otherwise provided in this Chapter.

Article 9.31: Confidentiality

Unless otherwise provided in this Chapter, where a Party provides information to another Party in accordance with this Chapter and designates the information as confidential, the other Party shall, subject to its laws and regulations, maintain the confidentiality of the information.

Article 9.32: Contact Points

Each Party shall designate a contact point to facilitate communications among the Parties on any matter relating to this Chapter. All official communications in this regard shall be in the English language.

Article 9.33: General Exceptions

Article XX of GATT 1994 and Article XIV of GATS are incorporated into and made part of this Chapter, *mutatis mutandis*.[21, 22]

Article 9.34: Security Exceptions

Nothing in this Chapter shall be construed:

(a) to require any Party to furnish any information the disclosure of which it considers contrary to its essential security interests;

(b) to prevent any Party from taking any action which it considers necessary for the protection of its essential security interests, including but not limited to:

(i) action relating to fissionable materials or the materials from which they are derived;

(ii) action relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;

(iii) action taken so as to protect critical communications infrastructure from deliberate attempts intended to disable or degrade such infrastructure;

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[21] The Parties understand that the measures referred to in subparagraph (b) of Article XX of GATT 1994 include environmental measures necessary to protect human, animal or plant life or health, and that subparagraph (g) of Article XX of GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

[22] The Parties understand that the measures referred to in subparagraph (b) of Article XIV of GATS include environmental measures necessary to protect human, animal or plant life or health.

(iv) action taken in time of war or other emergency in domestic or international relations; or

(c) to prevent any Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.