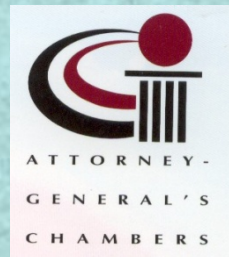




Regional Expert Consultation on Connecting Asia-Pacific's
Digital Society for Building Resilience

THE UNITED NATIONS ELECTRONIC COMMUNICATIONS CONVENTION: AN OVERVIEW



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Model Law on Electronic Commerce (“MLEC”)

- **Adopted on 12 June 1996**
 - Significant achievement for UNCITRAL
- **Non-binding**
 - Only a guide for national legislators
- **Established rules for**
 - formation and validity of contracts concluded by electronic means
 - acknowledgement of receipt
 - determining the time and place of dispatch and receipt of data messages
 - attribution of data messages
- **Main objective**
 - Functional equivalence between paper-based and electronic communications.

MLEC

- **Basic Principles:**
 - functional equivalence
 - non-discrimination
 - technological neutrality
- ***“...Founding elements of electronic commerce law”***

MLEC today

- **MLEC based on technology of 1990s**
 - Internet still in its infancy then
- **Basic principles still relevant**
- **But specific rules overtaken by technological and other developments**
- **Today, MLEC updated by:**
 - UN Electronic Communications Convention (“ECC”)
 - Carriage of Goods provisions updated by Rotterdam Convention
- **Inadvisable to continue with MLEC regime in these areas.**

THE ELECTRONIC COMMUNICATIONS CONVENTION (“ECC”)

- **Formulated by UNCITRAL**
- **UNCITRAL is lead agency for harmonization of intl. trade law**
- **Objects of Convention:**
 - **Remove obstacles to e-contracting**
 - **Provides for “functional equivalence”**
 - **Also removes obstacles to e-commerce in existing trade law instruments**
- **Convention updates Model Law on Electronic Commerce.**

ECC -PRESENT STATUS

- **Completed and accepted in 2005**
- **6 July 2006 – signing ceremony in New York**
 - **Signed by China, Singapore and Sri Lanka**
- **Presently 18 signatories**
- **Ratified by 3 states**
 - **Singapore, Honduras, Dominican Republic**
- **Came into force on 01 March 2013.**

FORMULATION OF CONVENTION

- **UNCITRAL = representatives of states**
- **Initial draft formulated by Electronic Commerce Working Group**
- **Working Group comprises state representatives and invited observers**
- **Participants include Government legal officials, law practitioners, legal scholars, industry representatives, domain experts.**

KEY FEATURES

onal treaty between states
ative instrument

antive rules except where
ly necessary for working of the
on

private contractual relations
tonomy (Art.3)
vations

ermitted to make “Declarations”
enacted into domestic law.

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_7443

