

Hibner, Jacek

Article

The Development of an Information Society and Electronic Commerce in the European Union in the Context of Selected Documents of the EU and International Organisations

Comparative Economic Research. Central and Eastern Europe

Provided in Cooperation with:

Institute of Economics, University of Łódź

Suggested Citation: Hibner, Jacek (2012) : The Development of an Information Society and Electronic Commerce in the European Union in the Context of Selected Documents of the EU and International Organisations, Comparative Economic Research. Central and Eastern Europe, ISSN 2082-6737, Łódź University Press, Łódź, Vol. 15, Iss. 1, pp. 103-118,
<https://doi.org/10.2478/v10103-012-0006-x>

This Version is available at:

<https://hdl.handle.net/10419/259098>

Standard-Nutzungsbedingungen:

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

Terms of use:

Documents in EconStor may be saved and copied for your personal and scholarly purposes.

You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.

If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.



<https://creativecommons.org/licenses/by-nc-nd/4.0>

JACEK HIBNER*

The Development of an Information Society and Electronic Commerce in the European Union in the Context of Selected Documents of the EU and International Organisations

Abstract

Due to the rapidly growing use of the Internet, the development of electronic commerce (defined by the World Trade Organization as “the production, distribution, marketing, sale or delivery of goods and services by electronic means”¹) has become one of the key aspects of today’s sustained growth. It influences productivity, facilitates the international movement of goods and services, and stimulates export and import trade. The European Union, as well as many multinational organisations, is working towards the harmonisation of their rules, and to facilitate and streamline this kind of international exchange.

In this article, the author presents selected documents on electronic commerce published by the United Nations Commission on International Trade Law, the World Trade Organization, the Organisation for Economic Cooperation and Development, the International Chamber of Commerce and the European Union since 1994.

* University of Łódź

¹ WTO, 25.09.1998, Work Programme on Electronic Commerce.

1. Introduction

The emergence and increasingly widespread use of information and telecommunications technology can have a huge influence on economic growth (Feltynowski 2011, p. 57). In turn, the rapidly growing use of the Internet, which we have witnessed since the end of the 1990's, has enabled us to carry out commercial transactions much faster. Electronic commerce has been developing rapidly and has come into prominence very quickly in comparison with other channels of distribution (Czajkowski 2011, p. 67). Electronic commerce has revolutionised the way companies operate and changed the form of contact between them (B2B), and between companies and consumers (B2C). The Internet has reduced the distance between contractors, facilitated the completion of transactions, and enabled an increase in efficiency and a reduction in costs, thereby resulting in greater profitability. In the global economy, electronic commerce plays an increasingly more important role, even in the turbulent times of economic crisis (Czajkowski 2011, p. 64).

The authors of the third edition of the Global Action Plan for Electronic Commerce, prepared in July 2002 by the Alliance for Global Business, state that electronic business (including e-commerce) guarantees sustained economic growth². Moreover, they underline the benefits countries receive from the deployment of information and telecommunications technologies at every stage of their development. They include among other things:

1. Increased efficiency of organisation and management;
2. Increased efficiency of transactions and reduction of transaction costs for buyers and sellers;
3. Broader market coverage and a wider selection of suppliers for both parties;
4. Improved flow of information³.

Furthermore, the Internet offers lower costs of entering a market and gives the possibility of reaching more markets, whereas electronic commerce facilitates commercial contact between companies and consumers on national, regional and global levels (Wang 2010, p. 6).

Taking the above into account, it is obvious that international organisations and national governments intensively promote the development of electronic commerce and undertake a series of actions aimed at regulating this

² Alliance for Global Business, July 2002, A Global Action Plan for Electronic Commerce.

³ Alliance for Global Business, July 2002, A Global Action Plan for Electronic Commerce.

phenomenon from the legal point of view. This article presents selected as well as the most important documents, which regulate and promote international electronic commerce.

2. United Nations Commission on International Trade Law

On 12 June 1996, the Commission adopted a Model Law on Electronic Commerce, which – in essence – was designed to facilitate the use of modern means of communication and storing information in an electronic form. It provides electronic media with the functional equivalents of expressions from written documents such as writing, signature, original⁴. Additionally, it explains certain issues connected with the compilation of electronic contracts and their legal recognition, as well as with the exchange of electronic information from a broader perspective⁵. The Law does not attempt to define computer equivalents of written documents, but presents the conditions which electronic documents need to meet to be given the same legal status as paper documents fulfilling the same functions⁶. The Law was accompanied by a Guide to Enactment, which defines all the regulations in detail.

Five years later, the same Commission adopted a Model Law on Electronic Signatures, which was to guarantee the increased legal establishment of an electronic signature⁷. The document does not favour any method of electronic signature generation⁸ which meets the requirements specified in article 6 thereof. Moreover, it solves the problem of an electronic signature issued in a different country. Article 12 includes regulations which provide for a signature issued in a different country to be effective if it ensures a comparable level of credibility with an electronic signature generated in any given country⁹.

On 23 November 2005, the United Nations General Assembly adopted the United Nations Convention on the Use of Electronic Communications in International Contracts (hereinafter referred to as the Convention). Its aim was

⁴ UNCITRAL 12.06.1996, Model Law on Electronic Commerce, PART 1, Chapter I, art. 6-8.

⁵ UNCITRAL Model Law on Electronic Commerce, PART 1, Chapter III.

⁶ Moreno, Carlos, Brief Overview of Selective Legal and Regulatory Issues in Electronic Commerce, International Symposium on Government and Electronic Commerce Development, Ningbo, China, 23-24.04.2001.

⁷ United Nations, UNCITRAL Model Law on Electronic Signatures with Guide to Enactment, New York, 2002.

⁸ UNCITRAL Model Law on Electronic Signature, article 3.

⁹ UNCITRAL Model Law on Electronic Signature, article 12.

to facilitate international trade by means of eliminating possible legal obstacles and reducing the uncertainty connected with the legal value of electronic communications when compiling and entering into contracts between entities from different countries¹⁰. In order to increase confidence and trust in electronic contracts, the Convention deals with, among other points, the legal recognition of electronic communications, the requirements regarding forms of communications, the time and place of sending and receiving information in electronic communications, the use of systems for the automatic sending of messages, as well as access to contract provisions. Moreover, the Convention specifies methods of dealing with errors in electronic communications¹¹.

It is worth noting that the Convention does not apply to electronic communications connected with entering into individual, family or household contracts; neither does it include certain financial markets¹².

In 2009, UNCITRAL published a report entitled “Promoting confidence in electronic commerce: legal issues on international use of electronic authentication and signature methods”¹³. It was prepared as a result of the need to update the regulatory framework in this regard. Previous solutions were in force for more than 10 years, which is a very long time in the fast-changing world of new technology. This report can be treated as a supplementation of both model laws and the Convention.

3. World Trade Organization (WTO)

The declaration on global electronic commerce, adopted at the second Ministerial Conference in Geneva on 20 May 1998, imposed an obligation on the WTO General Council to prepare a work programme (hereinafter referred to as the programme) aimed at exploring all aspects of global electronic commerce development¹⁴. Moreover, the Declaration included a moratorium,

¹⁰ United Nations Convention on the Use of Electronic Communications in International Contracts, New York, 2007.

¹¹ United Nations Convention on the Use of Electronic Communications in International Contracts, Chapter III, art. 8-14.

¹² Explanatory note by the UNCITRAL secretariat on the United Nations Convention on the Use of Electronic Communications in International Contracts.

¹³ UNCITRAL, Promoting confidence in electronic commerce: legal issues on international use of electronic authentication and signature methods 2007, United Nations, Vienna, 2009.

¹⁴ The Geneva Ministerial Declaration on Global Electronic Commerce, WTO, Geneva, 25 May 1998, WT/MIN(98)/DEC/2 (98-2148).

in which WTO member states undertook to continue the practice of not levying any customs duties on electronic transmissions. The Consul-General approved the programme on 25 September 1998, which triggered a series of discussions on electronic commerce and traditional commerce by the Committee for Trade and Development.

For the purpose of the programme, electronic commerce was defined as “the production, distribution, marketing, sale or delivery of goods and services by electronic means”¹⁵. Selected organisational units of the WTO were asked to carry out analyses of all aspects connected with electronic commerce. The tasks were divided into four entities that were designed to include in their research the work of other intergovernmental organisations.

The Council for Trade in Services was given the task of anchoring electronic commerce in the General Agreement on Trade in Services (GATS). The issues that were selected to be analysed included among others:

- Most Favoured Nation clause (GATS, article II);
- Transparency (GATS, article III);
- National regulations, standards and recognition (GATS articles VI and VII);
- Competition (GATS, articles VIII and IX);
- Privacy protection and fraud prevention (GATS, article XIV);
- Access to and use of public information and telecommunications services (telecommunications annex); and
- Customs.

The Council for Trade in Goods was ordered to prepare a report on electronic commerce in the light of the General Agreement on Tariffs and Trade (GATT), international trade agreements which meet the conditions of Annex 1A, and the programme. The following issues were examined:

- Access to markets and products connected with electronic commerce;
- The principle of origin;
- Electronic commerce standards;
- Problems arising from the agreement of licence import procedures;

The TRIPS Council focussed on the problems connected with the commercial aspects of intellectual property rights in the context of electronic commerce. The most important included protection of copyright and related rights, protection of trademarks, as well as new technologies and access to them.

¹⁵ WTO, 1998, Work Programme on Electronic Commerce.

Finally, the Committee on Trade and Development dealt with the development of electronic commerce taking into account the economic, financial and developmental needs of developing countries.

During the 4th Ministerial Conference in Doha in 2001, a decision was made to continue the previously approved programme and the decision of not imposing customs duties was renewed. In paragraph 34 of the Declaration adopted on 20 November 2001, emphasis was placed on the current contributions to the research of electronic commerce, which proved that e-commerce provided all member states with numerous benefits, irrespective of their level of economic development. The Council was commissioned to present another report during the 5th Conference in Cancún, Mexico, in 2003¹⁶.

In the declaration from Hong Kong, adopted on 22 December 2005, paragraph 46 acknowledged that the work in the field of electronic commerce was not complete. The ministers agreed to accelerate the work, also in the area of development.

4. Organisation for Economic Cooperation and Development (OECD)

On 7-9 October 1998, a conference of the Organisation for Economic Cooperation and Development (hereinafter referred to as OECD) was held in Ottawa entitled "A World Without Borders: Realising the Potential of Electronic Commerce". For the first time in the history of this type of conference, representatives of member state governments, heads of the most important international organisations, representatives of business, consumers, employees and interested social groups were brought together. The three-day discussion was devoted mainly to the challenges, problems and plans connected with the promotion of global electronic commerce. Four areas of discussion were specified:

- Building trust among users and consumers;
- Establishing the fundamental principles of digital market operations;
- Development of the information infrastructure for electronic commerce; and
- Maximisation of benefits.

¹⁶ WTO, Doha, 20.11.2001, Ministerial Declaration, WT/MIN(01)/DEC/1.

Three documents were submitted during the conference:

- OECD Action Plan for Electronic Commerce adopted by ministers from OECD member states during the conference¹⁷;
- Report on International and Regional Bodies: Activities and Initiatives in Electronic Commerce¹⁸ prepared by twelve international and regional organisations, including WTO, UNCITRAL, EFTA and UNCTAD;
- Global Action Plan for Electronic Commerce¹⁹ Prepared by Business with Recommendations for Governments. BIAC, GIIC, ICC, INTUG and WITSA contributed mostly to its compilation.

Moreover, the ministers adopted three declarations in areas of exceptional importance, which specified the priorities for the years to come:

- The ministers' declaration on the protection of privacy in global networks (SG/EC(98)14/FINAL Annex I);
- The ministers' declaration on consumer protection in the context of electronic commerce (SG/EC(98)14/FINAL Annex II);
- The ministers' declaration on authorisation in electronic commerce (SG/EC(98)14/FINAL Annex III).

On 9 December 1999, the OECD Council adopted the Guidelines for Consumer Protection in the Context of Electronic Commerce (hereinafter referred to as Guidelines 1999). They related to commercial transactions between companies and individual consumers (B2C)²⁰, and were designed to lead to a situation whereby a consumer who makes a purchase online feels as safe as if they were shopping at a local store. The Guidelines explain a series of issues concerning electronic commerce, such as fair commercial, marketing and advertising practices (part II of Annex), disclosure of information on the Internet – about the entrepreneur (part III A of Annex), about the goods and services offered (part III B of Annex), as well as about the conditions and costs connected with transactions (part III C of Annex). Moreover, the processes of order confirmation, payment and dispute resolution were discussed. In order to ensure execution of the main objective, i.e. guaranteeing the best possible protection of consumers on the Internet, it was established that cooperation

¹⁷ OECD, Ottawa, 1998, OECD Action Plan for Electronic Commerce, SG/EC(98)9/FINAL.

¹⁸ OECD, Ottawa, 1998, Report on International and Regional Bodies: Activities and Initiatives in Electronic Commerce, SG/EC(98)10/FINAL.

¹⁹ OECD, Ottawa, 1998, A Global Action Plan for Electronic Commerce Prepared by Business with Recommendations for Governments, SG/EC(98)11/FINAL.

²⁰ Recommendation of the Council Concerning Guidelines for Consumer Protection in the Context of Electronic Commerce, OECD, 1999, C(99)184/FINAL.

between governments, companies and consumers, as well as multi-level international cooperation would be needed²¹.

In 2003, OECD adopted the Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders²². They define the general rules of international cooperation in this scope and include specific regulations concerning notifications, information sharing and help in conducting investigations.

A very important meeting of ministers was held in Seoul on 17-18 June 2008. Leaders of international governmental organisations, business leaders and representatives of the Internet technologies industry took part in the meeting. The whole spectrum of problems connected with the future of the Internet economy was discussed and many significant documents were adopted.

As a part of building trust and confidence to the Internet, the following issues were raised: online identity theft²³, malicious software²⁴, mobile commerce²⁵ and protection of critical information infrastructure²⁶.

Other areas of interest included new technologies, the public sector in the Internet (signatories of the Declaration agreed that public sector information should be available to the public for free or a minimum charge) and digital creations.

The Seoul Declaration for the Future of the Internet Economy²⁷ was signed, which summarised all the arrangements made during the three-day-long meeting in South Korea. The participants reached an agreement that governments – in order to support competition, promote consumer protection and increase access to the Internet – should cooperate closely with entrepreneurs, technology specialists and Internet users themselves. The Declaration provided a framework for updating policies in the scope of

²¹ Recommendation of the Council Concerning Guidelines for Consumer Protection in the Context of Electronic Commerce, OECD, 1999, C(99)184/FINAL.

²² OECD, 2003, Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders, C(2003)116.

²³ OECD, Seoul, 17-18.06.2008, OECD Policy Guidance on Online Identity Theft.

²⁴ OECD, Seoul, 17-18.06.2008, Malicious Software (Malware): A Security Threat to the Internet Economy, DSTI/ICCP/REG(2007)5/FINAL.

²⁵ OECD, Seoul, 17-18.06.2008, OECD Policy Guidance for Addressing Emerging Consumer Protection and Empowerment Issues in Mobile Commerce.

²⁶ OECD, Seoul, 17-18.06.2008, OECD Recommendation of the Council on the Protection of Critical Information Infrastructure, C(2008)/35.

²⁷ OECD, Seoul, 18.06.2008, The Seoul Declaration for the Future of the Internet Economy.

telecommunications and contributed to making the Internet a flywheel of the economy. During the last session, Angel Gurría, OECD Secretary-General, said:

“Policies affecting the Internet can no longer be seen as narrow policies only relating to the telecommunications sector, but as mainstream economic policies reflecting the fact that the Internet has become a fundamental economic infrastructure. Given that this infrastructure has become critical to our economies and societies, we should all engage in developing better, more broad-based, management arrangements and policies”²⁸.

5. European Union

Back in December 1993, the European Commission adopted a document entitled “The White Paper on Growth, Competitiveness and Employment. The Challenges and Ways Forward Into the 21st Century”, in which attention was paid to the role of the “digital revolution” and the structural changes caused by it. The authors of the document emphasised that telecommunications technologies and services connected with them could ensure permanent and sustained growth, improve competitiveness, increase employment levels and improve the quality of life of European citizens.

In a report entitled “Europe and the Global Information Society: Bangemann Report Recommendations to the European Council”²⁹, the authors underlined the need to facilitate the processes of liberalisation together with introduction and maintenance of the freedom of movement principles in accordance with the ideas of a universal service and an internal market.

On 19 July 1994, the European Commission issued a communication to the European Parliament and the Council entitled “Europe's Way to the Information Society. An Action Plan”³⁰. The communication included the first drafts of the EU's policy on an information society. It comprised four parts, which were dedicated to the legal frameworks (standardisation, tariffs, privacy, electronic protection, competition and others), networks and applications, social and cultural aspects, as well as promotional activities.

²⁸ Closing remarks by Angel Gurría, OECD Ministerial Meeting on the Future of the Internet Economy, Seoul, 18.06.2008.

²⁹ Europe and the Global Information Society: Bangemann Report Recommendations to the European Council, Brussels, 26 May 1994.

³⁰ Brussels, 19.07.1994, COM(94) 347.

In a communication of 24 July 1996 entitled “The Information Society. From Corfu to Dublin. New priorities”³¹, the European Commission verified the previous action plan and determined four new areas to accelerate the development of an information society. Business environment improvement was the major one. The necessity for full liberalisation of telecommunications services beginning from 1 January 1998, creating transparent legal regulations as regards an information society and enabling faster use of telecommunications services by various sectors of the economy was underlined. Building a common market was yet another challenge, without which new products and services could not be used to the fullest. Another important task was to meet the expectations of citizens and respond to their demands concerning, for example, access to a broad spectrum of services and contents.

On 18 April 1997, the European Commission issued a new communication entitled “A European Initiative in the sector of Electronic Commerce” (hereinafter referred to as the Initiative), whose aim was to enable the fast development of electronic commerce in Europe. Its main elements included the promotion of modern information and communications technologies, using a single market to increase competitiveness, and promotion of the skills connected with information and communications technologies.

Another step towards an information society was a communication issued by the European Commission on 8 December 1999 entitled “eEurope: an information society for all”. It was a political initiative which was designed to enable the European Union to make full use of the changes taking place in an information society. The main objective of the initiative was to:

- a) Introduce each citizen, household, school, enterprise and office to the digital and online era (enable access to the worldwide web);
- b) Create a digital Europe supported by an entrepreneurial culture, ready to finance and develop new ideas;
- c) Ensure that this process is socially consistent and builds consumers' trust³².

Less expensive access to the Internet, the introduction of public services online and connecting all schools to the Internet were among the ten points for action that were to help realise these ambitious objectives.

On 8 June 2000, the European Parliament and the Council adopted a Directive on Electronic Commerce³³, which eliminated obstacles in the cross-border provision of online services as well as guaranteeing legal security

³¹ Brussels, 24.07.1996, COM(96)395 Final.

³² available at http://europa.eu/legislation_summaries/information_society/124221_en.htm.

³³ Directive on Electronic Commerce (2000/31/EC).

to entrepreneurs and consumers. It additionally established the principles concerning transparency, the required information presented by Internet service providers, commercial communications, electronic agreements and the limitations of intermediaries' liability.

The Directive, among other things, imposed an obligation on service providers to clearly present prices of information society services with details as to whether value-added tax or delivery costs have been included or not.

Member states were obliged to implement the statutory as well as executive and administrative regulations necessary to execute the Directive by 17 January 2002.

On 13 March 2001, the Commission published the eEurope 2002 Impact and Priorities Communication³⁴ programme, in which the contribution of the Europe initiative to the development of a knowledge-based society was described. In the part dedicated to priorities for the future, the need was underlined to continue increasing access to the Internet, along with the need to implement the Directives on Electronic Commerce and Electronic Signature, as well as prepare system regulations for online dispute resolution (ODR).

Helping SMEs to Go Digital³⁵ Communication issued by the European Commission was a supplementary element to the eEurope 2002 plan, one of the priorities of which was to help small and medium size enterprises (SMEs) with the application of new technologies. The programme was organised around three main axes of action. The first one was connected with the creation of an electronic commerce-friendly environment; the second was dedicated to promoting electronic commerce and its rapid development. Finally, the third area addressed the development of skills within the scope of telecommunications technologies.

On 7 March 2002, the European Parliament and the Council adopted four directives connected with the development of electronic commerce, mentioned in the eEurope 2002 Communication. They were:

- Access Directive³⁶
- Framework Directive³⁷;

³⁴ Brussels, 13.03.2001, COM(2001) 140 Final.

³⁵ Brussels, 13.03.2001, COM(2001) 136 Final.

³⁶ Directive 2002/19/EC of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities.

³⁷ Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services.

- Authorisation Directive³⁸;
- Universal Service Directive³⁹.

On 28 May 2002, the European Commission presented a communication entitled “eEurope 2005 Action Plan: an information society for all⁴⁰”, which assumed the quick application of a high level of electronic communications in increasing economic productivity and improving the access of European citizens' to high-quality services. The main objectives included, for example, the introduction of electronic public services, universal broadband access to the Internet and creating a secured information infrastructure.

On 1 May 2005, the Commission proposed a new strategic framework referred to as i2010: European information society by 2010. This proposal supports an open and competitive digital economy as well as underlining the role of telecommunications technologies as a factor responsible for the dynamisation of social integration and improvement of the quality of life⁴¹. For this purpose, the Commission proposed three new priorities:

- a) Completion of creating a uniform European information area;
- b) Strengthening innovation and investments in research into ICT;
- c) Creating an integrated European information society that will contribute to growth and new jobs in a manner compatible with the principles of sustainable development.

6. The United Nations Conference on Trade and Development

Among many documents published with the authority of the United Nations, a report issued in 2008 on the state of the information economy and recommendations for the future in developing countries is particularly interesting. The Information Economy Report 2007-2008: Science and Technology for Development – the New Paradigm of ICT⁴² confirms the enormous influence of information and communications technologies (hereinafter referred to as ICT) on increased productivity, economic growth,

³⁸ Directive 2002/20/EC of the European Parliament and of the Council on the authorisation of electronic communications networks and services.

³⁹ Directive 2002/22/EC of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services.

⁴⁰ Brussels, 28.05.2002, COM(2002) 263 Final.

⁴¹ Brussels, 01.06.2005, COM(2005) 229 Final.

⁴² New York, Geneva, 2007, UNCTAD/STDE/ECB/2007/1.

international trade and better employment, especially in developing countries. However, the authors of the report state that in order to ensure full utilisation of the possibilities guaranteed by new technologies, particularly as regards developing countries, it is necessary to coordinate the operations of their governments as well as regional and international organisations.

The impact of ICT on economic development can be observed on several planes:

- a) ICT is deployed in various branches of the economy;
- b) Due to ICT, the method of production and consumption organisation changes. Consequently, it leads to lower costs of production and consumption;
- c) A fast pace of innovation enables access to ICT also for the less affluent and the poor;
- d) New types of services arise due to ICT such as e-commerce, e-finance, e-government. These services can contribute to increased economic effectiveness. However, serious challenges connected with security and trust arise within this field;
- e) The application of ICT requires skills and abilities; training and coaching sessions are extremely important in the process of building a knowledge-based economy.

7. Conclusions

The rapid development of technology has changed our way of functioning. It has altered the way companies operate and the habits of consumers. Selling and buying online is becoming a common and universal phenomenon as we speak.

Based on the documents presented in this text, e-commerce plays an important role in the new perception of economic theories. Many documents have been compiled on the basis of research results, which unambiguously show the strong interrelations between electronic commerce development and long-term economic growth in all countries⁴³, regardless of their degree of development⁴⁴. Moreover, some authors suggest that due to the rapid

⁴³ New York, Geneva, 2007, UNCTAD/STDE/ECB/2007/1.

⁴⁴ WTO, Doha, 20.11.2001, Ministerial Declaration, WT/MIN(01)/DEC/1.

development of digital technologies, electronic commerce in particular, it is possible to talk about a completely new model of global economic growth⁴⁵.

Electronic commerce contributes to an increase in effectiveness, competitiveness and employment⁴⁶.

From the practical point of view, the enormous commitment of international organisations in the creation of conditions that are conducive to electronic commerce is clearly visible. It mainly concerns the principles of recognizing electronic documents and electronic signatures in international trade. The OECD approved the guidelines for consumer protection in the context of electronic commerce, whereas the European Parliament and the European Commission adopted the Directive on Electronic Commerce.

Many documents include recommendations for the closer cooperation of governments with entrepreneurs and consumers, and on an international level⁴⁷. Other demands relate to the full liberalisation of telecommunications services.

References

A Global Action Plan for Electronic Commerce, Alliance for Global Business, July 2002

A Global Action Plan for Electronic Commerce Prepared by Business with Recommendations for Governments, OECD, Ottawa, 1998, SG/EC(98)11/FINAL

Czajkowski T. (2011), *Comparative Analysis of the Recent Financial Crisis' Impact on the Retail Electronic Commerce in the European Union in the USA and in Poland*, [in:] 'Comparative Economic Research. Central and Eastern Europe', vol. 14, no. 2/2011

Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)

Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)

⁴⁵ New York, Geneva, 2007, UNCTAD/STDE/ECB/2007/1.

⁴⁶ New York, Geneva, 2007, UNCTAD/STDE/ECB/2007/1.

⁴⁷ OECD, 1999, C(99)184/FINAL and OECD, Seoul, 18.06.2008, The Seoul Declaration.

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on Electronic Commerce)

Doha Ministerial Declaration, WTO, Doha, 20.11.2001, WT/MIN(01)/DEC/1

eEurope 2002 Impact and Priorities, Brussels, 13 March 2003, COM(2001) 140 Final

eEurope 2005: An Information Society for All, Brussels, 25 May 2002, COM(2002) 265 Final

Europe and the Global Information Society: Bangemann Report Recommendations to the European Council, Brussels, 26 May 1994

Europe's Way to the Information Society. An action Plan, Brussels, 19 July 1994, COM(94)347 Final

Explanatory note by the UNCITRAL secretariat on the United Nations Convention on the Use of Electronic Communications in International Contracts, United Nations, New York, 2007

Feltynowski M. (2011), *Development of the Information Society in Czech Republic, Poland and Slovakia*, [in:] 'Comparative Economic Research. Central and Eastern Europe', vol. 14, no. 3/2011

Helping SMEs to Go Digital, Brussels, 13.03.2001, COM(2001) 136 Final

Information Economy Report, Science and technology for Development, The New Paradigm of ICT, United Nations, New York and Geneva, 2007

i2010 – A European Information Society for Growth and Development, Brussels, 01 June 2005, COM(2005) 229, Final

Malicious Software (Malware): A Security Threat to the Internet Economy, OECD, Seoul, 17-18.06.2008, DSTI/ICCP/REG(2007)5/FINAL

Model Law on Electronic Commerce, UNCITRAL 12.06.1996

OECD Action Plan for Electronic Commerce, OECD, Ottawa, 1998, SG EC(98)9/FINAL

OECD Policy Guidance for Addressing Emerging Consumer Protection and Empowerment Issues in Mobile Commerce, OECD, Seoul, 17-18.06.2008,

OECD Policy Guidance on Online Identity Theft, OECD, Seoul, 17-18.06.2008

OECD Recommendation of the Council on the Protection of Critical Information Infrastructure, OECD, Seoul, 17-18.06.2008, C(2008)/35

Promoting confidence in electronic commerce: legal issues on international use of electronic authentication and signature methods, United Nations, Vienna, 2009

Recommendation of the Council Concerning Guidelines for Consumer Protection in the Context of Electronic Commerce, OECD, 1999, C(99)184/FINAL

- Report on International and Regional Bodies: Activities and Initiatives in Electronic Commerce, OECD, Ottawa, 1998, SG/EC(98)10/FINAL
- The Geneva Ministerial Declaration on Global Electronic Commerce, WTO, Geneva, 25 May 1998, WT/MIN(98)/DEC/2 (98-2148)
- The Information Society. From Corfu to Dublin. The New Emerging Priorities, Brussels, 24 July 1996, COM(96) 395 Final
- The Seoul Declaration for the Future of the Internet Economy, OECD, Seoul, 18.06.2008,
- UNCITRAL Model Law on Electronic Signatures with Guide to Enactment, United Nations, New York, 2002
- United Nations Convention on the Use of Electronic Communications in International Contracts, New York, 2007
- Wang, Faye Fangfei, Law of Electronic Commerce, Contemporary Issues in EU, US and China, Routledge Research in IT and E-Commerce Law, Routledge, London & New York, 2010
- Work Programme on Electronic Commerce, WTO, 25.09.1998

Streszczenie

ROZWÓJ SPOŁECZEŃSTWA INFORMACYJNEGO I HANDLU ELEKTRONICZNEGO W UNII EUROPEJSKIEJ W KONTEKŚCIE REGULACJI ORGANIZACJI MIĘDZYNARODOWYCH

W związku z szybko pojawiającymi się nowymi sposobami korzystania z Internetu i rosnącym dostępem do niego na całym świecie, rozwój handlu elektronicznego (zdefiniowanego przez WTO jako “produkcję, dystrybucję, marketing, sprzedaż i dostawę dóbr i usług za pomocą komunikacji elektronicznej”) stał się jednym z kluczowych aspektów zrównoważonego wzrostu. Handel elektroniczny wpływa na produktywność, ułatwia międzynarodowy przepływ dóbr i usług oraz stymuluje eksport i import tychże. Unia Europejska i wiele organizacji międzynarodowych od wielu lat pracują nad harmonizacją prawa dotyczącego handlu elektronicznego oraz nad pobudzeniem i usprawnieniem tego typu wymiany międzynarodowej.

W niniejszym artykule autor prezentuje wybrane dokumenty dotyczące handlu elektronicznego opublikowane przez Komisję ONZ ds. Prawa Handlu Międzynarodowego, Światową Organizację Handlu OECD, Międzynarodową Izbę Handlu oraz Unię Europejską od roku 1994.