

**Joint Declaration**  
**of the United States of America and**  
**the Swiss Confederation**  
**on Cooperation and Promotion**  
**regarding Electronic Commerce**

The Government of the United States of America

and

The Government of the Swiss Confederation

*Recalling* their Agreement of 25 May 2006 establishing a bilateral Trade and Investment Cooperation Forum;

*Recognizing* the opportunities that electronic commerce in goods and services provides for businesses and consumers as well as its potential for enhancing international trade and economic growth;

*Recognizing* the importance of avoiding barriers to the use and development of electronic commerce in goods and services;

*Recognizing* the need to create an environment of trust and confidence for users of electronic commerce, including, *inter alia*, through appropriate protection of consumers;

*Affirming* their rights and obligations under the *Marrakesh Agreement Establishing the World Trade Organization* ("WTO Agreement"); and

*Affirming* their intent to pursue efforts to increase cooperation in promoting electronic commerce and to strengthen the multilateral trading system:

Declare the following:

1. The United States and Switzerland affirm their commitments to, to the extent practicable:
  - (a) encourage and facilitate the exchange of goods and services supplied electronically;

- (b) avoid measures that discriminate against the other's digital products<sup>1</sup>; and
  - (c) avoid new measures that discriminate against the other's services supplied electronically or against the other's suppliers of such services.
2. The United States and Switzerland:
- (a) affirm their current practice in accordance with paragraph 46 of the Hong Kong Ministerial Declaration of December 2005 of not imposing customs duties on electronic transmissions;
  - (b) seek to continue and deepen their bilateral cooperation on data protection and individual privacy issues, having due regard to the interests of market participants; and
  - (c) seek to exchange information on, and assess the need to develop prerequisites for, activities relating to electronic signatures and authentication for the purpose of improving online commercial transactions between private parties of the United States and Switzerland.
3. The United States and Switzerland confirm that this declaration does not reduce or affect either country's rights or obligations under bilateral or multilateral agreements, including the WTO Agreement.
4. The United States and Switzerland shall work together to promote initiatives to improve the framework for electronic commerce under the WTO and other relevant international organizations and fora, with a view to, *inter alia*:
- (a) make the current practice of not imposing customs duties on electronic transmissions binding within the framework of the WTO;
  - (b) extend the participation of new countries in the *Information Technology Agreement*;
  - (c) improve trading conditions for services supplied electronically and for suppliers of such services;
  - (d) ensure the free flow of information across borders;
  - (e) enhance transparency with regard to all measures of general application affecting electronic commerce;
  - (f) protect consumers from fraudulent and deceptive commercial practices when they engage in electronic commerce; and

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<sup>1</sup> For greater certainty, digital products do not include digitized representations of financial instruments, including money.

- (g) strengthen cross-border cooperation to create an environment of trust and confidence for private parties engaging in electronic commerce including, *inter alia*, through the protection of privacy.

IN WITNESS THEREOF, the undersigned, being duly authorized by their respective governments, have signed this Joint Declaration.

DONE at Washington, D.C., this 10<sup>th</sup> day of October 2008.

**FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:**



**SUSAN SCHWAB**

**UNITED STATES  
TRADE REPRESENTATIVE**

**FOR THE GOVERNMENT OF THE  
SWISS CONFEDERATION:**



**DORIS LEUTHARD**

**FEDERAL COUNSELOR  
HEAD OF THE FEDERAL  
DEPARTMENT OF ECONOMIC AFFAIRS**