

**JOINT STATEMENT ON ICT CO-OPERATION BETWEEN IRELAND
AND THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF
THE PEOPLE'S REPUBLIC OF CHINA**

Announced on 29 November 2002

The Government of Ireland and the Government of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China hereinafter referred to as the "Participants", and each as a "Participant",

RECOGNISING:

- (a) that electronic commerce and the use of information and communications technology will be a significant engine of economic growth in the coming years, with the potential to invigorate economies by enhancing productivity, streamlining distribution and re-engineering corporate structures,
- (b) the interest of both Participants in furthering the development of their respective information and communications technology industries, and in supporting the expansion of domestic and international applications markets for their products, services and technology,

STRESSING:

the importance of global co-operation in the promotion of electronic commerce and of reaching the coherent and effective global solutions needed to support the new economy,

ACKNOWLEDGING:

the fundamental role that telecommunications networks and services play in the development of electronic commerce,

GUIDED BY:

the mutual interest and benefit of both Participants in encouraging partnerships, investment co-operation, commercial ventures, research and development, in the area of information and communications technology;

Express their intention to facilitate and encourage co-operation and conduct exchanges between parties in Ireland and the HKSAR whilst acting within the framework of their powers and responsibilities:

1. Purpose of the Joint Statement

The purpose of this Joint Statement is to further enhance and develop cordial relations between Ireland and the HKSAR and to strengthen and deepen business and economic links through facilitating and encouraging co-operation in the development of electronic commerce, including related infrastructure and policy matters, and co-operation in other areas in the field of information and communications technology.

2. Intent of Joint Statement

The Participants will promote co-operation in all spheres of activity defined by this Joint Statement in order to derive maximum benefits for both Ireland and the HKSAR in the fields set out in this Joint Statement.

3. Areas of Common Interest

With the aim of achieving this purpose both Participants stress the importance of:

1. Developing electronic commerce and telecommunication networks and services, primarily through market-led and driven private sector initiatives.
2. Delivering Government services on-line.
3. Providing a clear and consistent regulatory framework, thus promoting a pro-enterprise environment in which electronic commerce can flourish while contributing towards the protection of public interest objectives such as personal data protection, intellectual property rights protection, consumer protection and the security of electronic communications.
4. Minimising existing or new legal and regulatory barriers to electronic trade while recognising the right of governments to pursue public policy objectives.
5. Supporting the development of an international framework that recognizes, facilitates and enforces electronic transactions worldwide.

6. Enhancing the awareness and confidence of citizens and business in electronic commerce and supporting the development of relevant IT skills and literacy.
7. Other related areas of mutual interest, which both Participants may in future identify.

4. Forms of Co-operation

In the areas of mutual interest, this Joint Statement envisages the following forms of co-operation:

1. Accelerating commercial and industrial exchanges.
2. Encouraging business partnerships between companies in Ireland and the HKSAR.
3. Encouraging the exchange of policy and regulatory information, including the delivery of Government on-line services, and promoting awareness and confidence on the part of citizens and business in the area of electronic commerce.
4. Other forms of co-operation arranged by the Participants.

The Participants will endeavour to co-operate by:

- i. Committing to dialogue and consultations between them, including within relevant international fora, to achieve a global consensus on international frameworks for electronic commerce.
- ii. Facilitating bilateral exchanges at Government, expert, business and non-Governmental level, including academic and professional bodies, as appropriate, regarding the development of global electronic commerce.
- iii. Facilitating and encouraging dialogue between business organisations in Ireland and the HKSAR.
- iv. Exchanging information, through their representative organizations, and otherwise, on policies and measures (including legislation, regulation, self-regulation and codes of practice), which will assist the growth of electronic commerce.

- v. Enhancing co-operation between business development agencies of both Participants.
- vi. Facilitating opportunities for each Participant to become acquainted with the organisational structure, statutes, regulation methods and procedures of the other Participant, and
- vii. Undertaking other forms of co-operation in areas of mutual interest, which may in future be identified by the Participants.

5. Intellectual Property Rights

Should intellectual property rights issues arise out of co-operative activities in business partnerships in the context of this Joint Statement, the Participants will, subject to any arrangements made between them, determine the allocation of these rights within their jurisdiction and the allocation of rights in third jurisdictions.

6. Treatment of Confidential Material

Neither Participant will disclose nor distribute any information that is supplied in confidence and marked, or stated to be “confidential”, by the originating Participant, except as, and to the extent authorised by, the originating Participant, or save as required by law, and with prior written notification to the originating Participant.

7. Designated Representative

Each Participant will designate a representative to facilitate the activities under this Joint Statement. The representatives of both Participants will consult each other through the Government channel specified by each Participant. The Department of Enterprise, Trade and Employment will be the Designated Representative for Ireland. The Information Technology and Broadcasting Branch of the Commerce, Industry and Technology Bureau will be the Designated Representative for the HKSAR.

8. Amendment

This Joint Statement may be amended at any time in writing by mutual consent of both Participants.

9. Commencement and Termination

This Joint Statement will come into effect on the date of its announcement and will remain effective unless terminated by either Participant upon giving at least 90 days written notice to the other Participant.

The termination of this Joint Statement will not affect the continuation until completion of those co-operative activities, which are already in progress at the time of the termination of this Joint Statement.