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armed aggression, the precipitation, escalation or aggravation of internal or interstate conflicts, proliferation of weapons of mass destruction and missiles capable of delivering them, international terrorism, or in arms diversion. We reiterate the fundamental importance of respect, by all countries, of international commitments, in particular arms embargoes imposed by the United Nations Security Council and other competent international bodies.

Illicit trafficking and diversion of military equipment are also serious concerns. We will continue to exercise particular vigilance with regard to exports of small arms and light weapons. We adopted a joint declaration on "Common Principles on Small Arms and Light Weapons", on December 17, 1999, which encompasses these standards. We support the Moratorium and the Code of Conduct adopted by ECOWAS in 1999 and assert our intention to respect the Moratorium's principles when examining export applications at the national level.

In this context, the United States and the European Union have decided to act jointly to encourage all arms exporting countries to submit their export decisions to rigorous criteria and to greater transparency. In particular, we commit ourselves to promoting the highest possible standards of conduct and enhanced export control practices based on our shared principles of responsibility, transparency and restraint, including:

- implementation of stringent national controls over exports of arms and military equipment, and of related technologies;
- authorization of exports of arms and military equipment, and of related technologies only after an in-depth review of the internal situation of the buyer country and of the regional context in order to assure that such exports are not likely to create or heighten internal tensions or conflicts, to be used for the violation of human rights, to threaten peace and regional stability, or be diverted or re-exported in undesirable conditions; and
- promotion of transparency by regularly circulating public information at the national level on authorized arms transfers and supporting expanded transparency regarding arms exports in the competent international fora, including the United Nations Register of Conventional Arms, the OSCE and the Wassenaar Arrangement.

The United States and the European Union affirm their commitment to work together to promote the aforementioned principles and enhanced export control practices.

NOTE: An original was not available for verification of the content of this joint statement.

## Statement of the United States and the European Union on Building Consumer Confidence in *E*-Commerce and the Role of Alternative Dispute Resolution

*December 18, 2000*

In the U.S.-EU Joint Statement on Electronic Commerce issued in December 1997, we agreed to work towards important goals and objectives in the area of electronic commerce. We now reaffirm these important goals and objectives, including the agreement to provide "active support for the development, preferably on a global basis, of self-regulatory codes of conduct and technologies to gain consumer confidence in electronic commerce." We also reaffirm our commitment to the OECD Guidelines on Consumer Protection in the Context of Electronic Commerce issued in December 1999.

Our common aim is to help generate consumer confidence, which is necessary for open, competitive, and cross-border electronic commerce. Ensuring consumer protection and generating consumer confidence requires a combination of private sector initiatives and a clear, consistent and predictable legal framework.

The means of building consumer confidence and consumer protection in shopping online is good business practice and enforceable self-regulatory programmes such as codes of conduct and trustmarks. Key elements to building consumer confidence and consumer protection also

include security and confidentiality, respect for privacy, high standards of customer service, timely delivery, full and fair disclosure of information, and responsiveness to complaints.

We recognise that consumers should have meaningful access to redress consistent with the applicable legal framework and should be protected from fraudulent, deceptive, and unfair practices. The Internet, which can support the growth of cross-border consumer transactions at unprecedented levels, poses challenges to the existing legal framework. The issues of applicable law and jurisdiction will be difficult to resolve in the near term, but solutions at the international level would help to achieve our shared goals of global electronic commerce growth, consumer confidence and the predictability of transactions.

If parties cannot resolve consumer issues directly, using ADR is one means of doing so. Easy access to fair and effective ADR, especially if provided online, has the potential to increase consumer confidence in cross-border electronic commerce and may reduce the need for legal action. We, accordingly, agree on the importance of promoting its development and implementation.

The expansion of electronic commerce will be essentially market-led and driven by private initiative. In addition, all interested stakeholders—including governments, consumer groups, industry and academics—should work cooperatively to facilitate a dialogue, encourage private sector and other initiatives, raise consumer awareness about enforceable self-regulatory programs and promote the development and use of fair and effective ADR mechanisms, in particular online. Moreover, in order to promote fair and effective ADR in the cross-border context, efforts to develop and implement ADR should involve international cooperation among all interested stakeholders and the promotion of international partnerships. In addition, we encourage all stakeholders to continue to participate actively in international workshops and other fora on this important topic, which will help support further development of ADR.

At present, there are a wide variety of ADR schemes being developed and implemented in the marketplace, employing various different approaches and technologies. Governments should maintain adaptable policies that encourage the continued growth and development of new and innovative ADR mechanisms, technologies or approaches that are fair and effective.

In order to promote consumer confidence, ADR mechanisms should be fair and effective. We agree that we share certain general principles to achieve fairness and effectiveness. These general principles include: the impartiality of any decision-makers; the accessibility of the systems and procedures, which should be easy to find and easy to use; the need to ensure that the mechanisms are at low or no cost to the consumer relative to the amount in dispute; transparency, including the importance of providing consumers with clear and conspicuous information about the procedures and commitments involved sufficient to enable informed choice and decision-making; and the timeliness of redress. Stakeholders should continue to work to implement these fundamental principles and others that relate to fairness and effectiveness in the context of particular ADR mechanisms, taking into account the value, complexity and other characteristics of the transaction or dispute at issue.

Concerning law enforcement, businesses, consumers and governments should work together to detect, prevent and stop fraudulent, deceptive or unfair activity related to ADR. ADR providers, consumers and businesses should be encouraged to forward information on consumer complaints regarding fraud, deception, or other serious misconduct with regulatory and law enforcement agencies. Governments should cooperate in enforcing consumer protection laws against businesses engaging in fraudulent, deceptive or unfair activity related to consumer transactions on the Internet, such as misrepresentation of compliance with seal programmes or codes of conduct related to ADR. For example, we should cooperate on consumer complaints and explore cooperation on online information sharing.

Businesses, consumer groups and governments should work together to educate consumers and businesses about good business practices, including ADR, as a means to ensure fair and effective implementation and enforcement, and promote consumer confidence to the fullest extent possible.

NOTE: An original was not available for verification of the content of this joint statement.