

ELECTRONIC COMMERCE AND ITS REGULATION IN THE EUROPEAN UNION AND CHINA: A COMPARATIVE ANALYSIS

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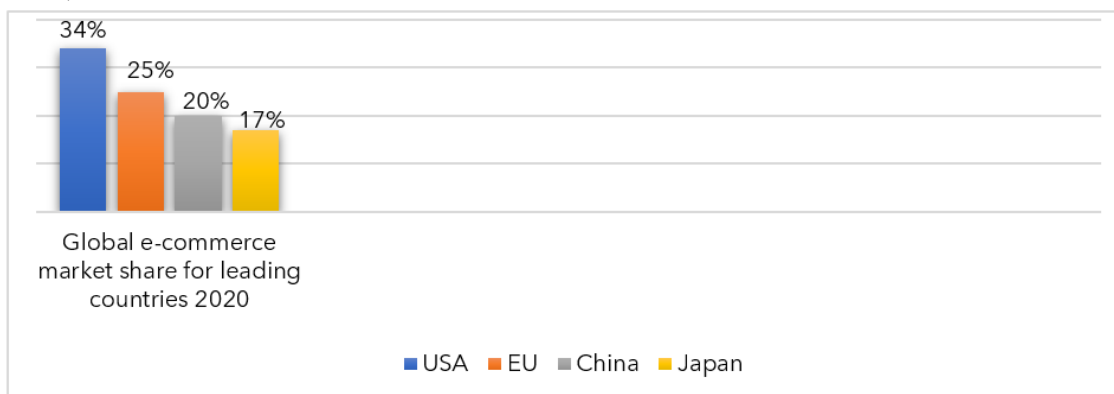
INTRODUCTION

The relevance of the research topic is due to the fact that e-commerce has been developing at a rapid pace in recent years. The global e-commerce market is showing particularly impressive dynamics: in 2019, its volume approached the 1 trillion dollars, and at the end of 2021 it may exceed over 1.5 trillion dollars

(EMARKETER, 2020). Analysts at «E-Marketer» estimated the global e-commerce market volume at 1.7 trillion dollars or 7.4% of global retail turnover in 2020 (EMARKETER, 2020). The modern era is characterized by significant changes in the world economy and civilization in general, associated, in many respects, with the development of information technologies, new electronic communication means and the widespread use of the global Internet. Recently, the most economically developed countries are actively moving to a new stage of development - the stage of the information society (IMF, 2020). In the business sphere, these changes are reflected in the rapid growth of the «new economy», which is based on the electronic way of doing business, or e-commerce (electronic commerce) (KLIMOV & VILSKAYA, 2020).

Electronic commerce means the execution of commercial transactions using electronic means for communication between counterparties. At the same time, transactions are made online, including in real time, without using traditional media systems (UNCTAD, 2021). As it is noted in the scientific literature, the main fundamental difference between e-commerce and traditional is the promotion of goods through the Internet (YUDIN, 2020). The beginning of the development of electronic business is attributed to the end of 1960s in XX century (XIAO-LU, 2017). Nowadays the Internet is becoming the main driver for radical change in modern business (TSANG, 2021). Difficulties inevitably arise associated with the need to settle a previously unknown object of social relations, for the understanding of which an interdisciplinary approach is required; a combination of technical, economic, financial and legal knowledge is needed. In addition, experts identify two key points from which the legislative activity in this area should be preceded: a rapid change in technology and a very high level of globalization of economic relations in the new economy field (TROSHCHINSKY & MOLOTNIKOV, 2019). The development of e-commerce is causing inevitable structural changes in the economy. In the virtual environment, transnational clusters are being formed, concentrating «intelligent and innovative industries and developing ties with other manufacturers and customers». These clusters often exist outside the jurisdiction of individual states, possessing incomparably greater competitiveness in comparison with traditional economic entities (SAVINA, 2020). The reason lies in greater market access and lower transaction costs.

Figure 1. World economic leaders in e-commerce (made by author on UNCTAD Report-2020)



Source: Search data.

At the same time, world economic leaders remain the same, since "the bulk of world economic activity and international trade is concentrated in three large geographic regions: North America, the Pacific region (China and Japan) and Western Europe. These three regions account for 80% of the world economic product and 75% of world exports (EMARKETER, 2020). The reason for their competitiveness is changing. Whereas in the traditional economy it was associated with production potential and technological developments, in the networked economy, competitiveness is determined by the development of the e-commerce infrastructure. Business goes to the Internet and is controlled by the one who controls the network infrastructure. It is no longer so important where the production facilities are located, or what technologies are used in the production of consumer goods (DEMIRCHYAN, 2016).

As a result, traditional wholesale and retail trade is massively degrading and transforming, and transaction costs associated with its activities are redistributed between consumers and logistics providers. Accelerated economic development occurs due to the reduction of the chains of goods distribution and the attraction of external resources from global markets. At the same time, the growth of e-commerce is largely associated with a decline in traditional trade. In the world economy, there is so called institutional crowding out, which occurs when the presence of one institution disrupts the functioning of another (ALEKSEENKO, 2020).

In the context of virtual globalization, the question is in which countries accumulate dividends from the development of e-commerce, and in which ones - losses from the accompanying degradation of traditional trade. Many Western researchers point out directly that e-commerce today is one of the last areas where business can gain advantages and a place for future global competition (LICHTENSTEIN, 2021). Among the priorities for the institutional development of e-commerce, the researchers note that «it is necessary to develop information systems for the management of retail trade in order to ensure global supplies, make payments and fulfill all banking requirements» (TROSHCHINSKY & MOLOTNIKOV, 2019). By virtue of all these aspects, the legal regulation of e-commerce is becoming the most relevant for the balanced development of the global market in a strategic perspective.

METHODS AND MATERIALS

The research methodology is based on a systematic approach and includes the methods of the general scientific group (analysis, synthesis, induction, deduction), as well as special methods: statistical analysis, content analysis of scientific literature on the research topic, the method of comparative legal analysis. The research materials are international legislation in the European Union and in China (DIRECTIVE, 2021). on the regulation of electronic commerce. Materials used for statistical analysis are: UNCTAD (UNCTAD, 2021). IMF (IMF, 2021), and «e-Marketer» (EMARKETER, 2020). annual reports.

RESULTS

Analysis of the legislation of the European Union showed that legislative work in the European Union on the development of a fundamental regulation in the electronic commerce began in 1996. Following a broad discussion, the European Commission launched the «European Initiative on Electronic Commerce» in April 30, 1997. In the European Union, the program «Electronic Europe» (e-Europe) is gaining, which is aimed at the widest possible introduction of new information technologies in the lives of citizens of the European Union, the spread of access to the Internet, etc. The legal side of this program is related to the formation of uniform legislation at the EU level. The goals and principles of legal e-commerce regulation are follows:

- a) implementation of the principles of the internal market in terms of ensuring the freedom of movement of information society services;
- b) ensuring respect for human rights and fundamental freedoms in the context of the use of new means of communication, including freedom of speech, the right to receive information, the right to inviolability of private life, etc. ;
- c) solving the most important tasks, such as increasing employment of the population by creating jobs in the digital economy, innovative development of small and medium-sized businesses, increasing investment in scientific research;
- d) establishing legal certainty in electronic commerce, while respecting consumer rights and socially important interests, in areas such as, for example, healthcare.

The main guidelines for creating a legal framework for electronic commerce are the need to create an efficient mechanism. At the same time, it is important to avoid «overregulation» and maintain sufficient scope for private initiative and the action of autonomous forces within the single market framework. It is also necessary to maintain the achieved level of consumer rights protection, public order, health and morality of the population. The European Union has achieved the greatest success in the development of legal regulation of information society services.

Legislative work in the European Union on the development of a basic normative act in the field of electronic commerce began in 1996. Following a broad discussion, the European Commission in April 1997 launched the «European Initiative on Electronic Commerce». In June 2000, the «Directive on Certain Legal Aspects of Information Society Services and, in particular, Electronic Commerce in the Internal Market» (Electronic Commerce Directive). was adopted. Member States were ordered to bring their legislation in line with the Directive by 17 January 2002.

This document is based on the general principles of the EU internal market, such as freedom of establishment and freedom of provision of services (the respective powers to issue acts have been granted to the institutions of the Union in accordance with paragraph 2 of Article 47 and Article 55 of the Treaty on the European Community), as well as provisions on the harmonization of national legislation (Article 95 of the EU Treaty).

The peculiarities of the subject matter of the Directive, as well as other regulatory legal acts of the European Union in the field of electronic commerce, include the fragmentation of national legislation, which may be absent altogether, and if available, create obstacles to the development of the information society, or fail to ensure proper protection of the legitimate rights and interests of legal and individuals. Therefore, the legislative acts of the European Union in this area are intended rather to create a new uniform law, and to harmonize the existing one.

The Electronic Commerce Directive ensures the development of the EU internal market for information society services, which are understood as «services provided at the individual request of a client at a distance, usually for a fee, through the electronic transmission and storage of data». The provision of such services on an individual request is their difference, in particular, from television services. The given concept goes beyond the scope of transactions concluded electronically and includes services for online search and provision of information, access to databases, transfer and storage of information, exchange of commercial correspondence.

The general principle enshrined in the Directive is that Member States are not entitled to restrict the provision of information society services originating or addressed across national borders, but within the European Union. At the same time, the principle of responsibility of the state of origin of the service is introduced into the legislation. The Electronic Commerce Directive applies to services provided by suppliers from the European Union and does not apply to services provided from third countries (DIRECTIVE, 2021).

The most important in this regard is the question of determining the state from the territory of which the service is provided [4]. The Directive proceeds from the established in the practice of the Court of Justice of the European Communities, the understanding of the place of establishment of the service provider, as the place of actual implementation of economic activity. Such activities should provide for the creation of a commercial enterprise for an unlimited period. In accordance with this rule, the location of the service provider will not be the place, for example, of the physical location of the data on its website, but the center of its real economic activity, i.e. the place from which the provision of services is provided. An exception to the principle of freedom to provide information society services is the traditional list of issues of public order, state security, health care and the protection of morality. Restricting the freedom of electronic communications requires the application of the principle of proportionality developed in European Union law (EMARKETER, 2020).

The implementation of the principles of the EU internal market is also reflected in the fact that the provision of information society services does not require prior authorization from the

authorities (Article 4 of the Directive). At the same time, the service provider is obliged to provide constant access to information about him, including the company name, actual location, e-mail address.

The issues of taxation of economic activities on the Internet remain outside the scope of the Electronic Commerce Directive and other acts of the European Union. Currently, services provided electronically to recipients on the territory of the Member States from outside are not subject to value added tax, providing for the rules for determining the place of taxation of certain services of the information society, based on the principle of the country of destination.

In particular, the regulated relationship has been defined as the supply of goods and services without contact between the parties, organized by a supplier who, in connection with the contract terms, uses one or more remote means of communication. The rules were established for communicating information about the goods to the buyer, and the content, the specifics of the execution of contracts, the conditions for refusing to execute distance delivery contracts, the rules for compensation for damage in administrative and judicial procedures.

Thus, in the European Union, the necessary foundations for the framework rules formation in the electronic commerce development were implemented, which was the main goal, defined in the fundamental documents of the EU in this area (KLIMOV & VILSKAYA, 2020). We can note that the success of the legislative bodies of the European Union in the framework of the electronic trade regulation, related with the participation of the consumer, has led to the implementation of similar provisions in the national legal systems in other states.

Similar provisions on the regulation of trade relations with consumer participation found in Chinese law. In recent years, China has played an increasing role in international e-commerce, both domestically and international transactions. According to the Ministry of Commerce of the PRC, the volume of e-commerce in China in 2019 was supposed to reach the level of 6.5 trillion RMB, which is roughly equivalent to 1,2 trillion dollars (TROSHCHINSKY & MOLOTNIKOV, 2019). According to the latest research, in 2019 the largest players in this segment in terms of revenue were the USA (Amazon - first place, EBay - third place, Walmart - fourth place) and China (JD.com - second place, Alibaba - fifth place) (FU, 2021).

The total volume of e-commerce with the participation of Chinese economic agents in 2006 - 2020 grew by 36.7% and reached the level of 2,77 trillion dollars. Due to the significant share of China in e-commerce and the rapid pace of development of e-commerce both in the domestic market and in international transactions, the country's leadership was faced with the obvious need to form comprehensive domestic legislation in the field of e-commerce and ensure the compliance of Chinese legislation with international norms and standards.

China actively cooperates with international organizations in the development of e-commerce and economy. On July 6, 2006, China ratified the UN Convention on the Use of Electronic Communications in International Contracts, becoming the fourth country to ratify this Convention. The purpose of the Electronic Communications Convention is to reduce formal barriers to international trade by establishing rules of equivalence between electronic and conventional contracts, thereby facilitating the use of electronic communications in international trade.

Under the Convention, China has attempted to harmonize rules for regulating electronic commerce and to encourage parties to adopt UNCITRAL Model Laws. China ratified the UNCITRAL Model Law on Electronic Commerce in 1996 and the UNCITRAL Model Law on Electronic Signatures in 2001. Therefore, the requirements for electronic signatures in China are largely in line with the UNCITRAL Model Law. Key departments overseeing the regulation of e-commerce in the PRC include: the Administration for Industry and Trade, the Ministry of Industry and Information Technology, the Ministry of Commerce of the PRC, etc (NIKALI ET AL, 2016).

At the present stage, the Chinese leadership is faced with the obvious need to form comprehensive domestic legislation in the field of e-commerce and ensure the compliance of Chinese legislation with international norms and standards. It is important to note that regulatory changes in areas such as improving the efficiency of the border supervision system, formulating specific recommendations in the field of tax policy, introducing legislative changes in the cyber security policy may lead to additional risks and costs for foreign companies

operating in the Chinese market. In some cases, innovations in Chinese legislation can lead to positive changes for foreign companies. Mainly this concerns the issues of protecting intellectual property rights in the digital space, measures in the transaction ensuring security, expanding the legal responsibility of electronic trading platforms and online platforms, protecting consumer rights, ensuring the formation of safe, stable and effective channels for cross-border e-commerce (TSANG, 2021).

The key objectives of this strategy were: using the country's advantages with significant production potential; expansion of foreign sales channels; reasonable increase in imports; expansion of domestic consumption; assistance in transformation and modernization of the foreign trade system; promoting entrepreneurship and innovation; «open economy» development. In this regard, it was decided to take the following measures.

1. Supporting domestic enterprises to make better use of e-commerce tools: adapting the regulatory framework to the demands and requirements of changing e-commerce; trade facilitation; stimulating trade in non-finite goods within value chains and moving to online transactions; support of cross-border e-commerce by export enterprises and stimulation of their cooperation with foreign partners (so called B2B segment); expanding the practice of using new facilities abroad; standardization in management functions (OFFICE OF THE CENTRAL LEADING GROUP FOR CYBERSPACE AFFAIRS, 2021).
2. Promotion of key and most competitive enterprises: promotion of key electronic platforms on which a significant number of manufacturers are traded; formation of an integrated server to support business in the implementation of cross-border e-commerce; support for private and most competitive electronic platforms.
3. Optimization of customs procedures in order to improve the efficiency of cross-border e-commerce, as well as the use of e-commerce tools and related data in order to improve the accuracy of statistics.
4. Improving the efficiency of the border surveillance system: ensuring centralized reporting, control and documentation. Special attention is paid to the issues of product safety and compliance of the quality characteristics of imported products with the requirements of the PRC (TSANG, 2021).
5. Specific Tax Policy Advice: Tax incentives for retail export goods. Highlighting specific tax rules for imported goods that promote domestic consumption and fair competition (XIAO-LU, 2017).
6. Recommendations for the electronic payments implementation: encourage domestic banks and payment systems with the legal capacity to carry out cross-border electronic payment services with the participation of domestic and foreign individuals and businesses; facilitating cross-border RMB electronic payments; strengthening the system for monitoring online transactions in order to reduce risks; promoting international cooperation in the field of regulation of the electronic payments system with the aim of exchanging information and creating joint regulatory mechanisms.
7. Fiscal and financial support: provision of credit insurance services for cross-border e-commerce by integrated foreign trade enterprises.
8. Formation of an integrated service system: encouraging innovation, standardization and clustering in the field of services in the field of e-commerce; providing foreign partners with a full range of services for customs clearance, logistics, warehousing, cross-border financing and other services; support for enterprises specializing in the creation of service systems for global supply chains.
9. Formation of standardized electronic commerce practices in order to ensure the security of transactions: strengthening the credit system, improving the credit assessment system; stimulating interaction between various regulatory structures and law enforcement agencies; promotion of consumer protection and prevention of risks associated with providing after-sales services; strengthening the role of law enforcement agencies; ensuring the protection of intellectual property rights.
10. Strengthening bilateral and multilateral international cooperation: the key goal is to ensure the formation of secure, stable and efficient channels of cross-border e-

commerce (NATIONAL SECURITY LAW OF THE PEOPLE'S REPUBLIC OF CHINA, 2021).

So, in general, it can be noted that innovations in Chinese legislation will lead to the introduction of centralized systems for reporting, customs control and delivery of goods supplied through e-commerce. At the same time, unorganized small systems will be virtually completely eliminated. China is forming a rigid centralized mechanism for assessing the quality and safety of the goods sold (WIPO, 2021).

Importers will be personally liable for compliance with the relevant rules, and if they are not followed, importers will be held accountable. Despite the fact that the relevant ministries supervise the regulation e-commerce in the PRC, the National People's Congress (NPC) formed the basic laws in force today. The Contract Law, which entered into force on October 1, 1999, fully recognizes electronic forms of contracts, while the place of formation of a contract in case of exchange of electronic data is the place of registration of the recipient's business. The Consumer Protection Act until recently was the key law for protecting consumer interests, carrying out electronic transactions [(WIPO, 2021).

According to this law, consumers have the right to return goods within seven days from the date of purchase without the need for justification, provided that the products are returned in good condition. In this case, the supplier is obliged to pay the consumer the full cost of the goods, if the opposite was not previously agreed. In order to comply with the rights and interests of consumers, the supplier (online business operator) also undertakes to provide the consumer with contact information and all key qualitative and quantitative characteristics of the products sold, including requirements for safe use, conditions of after-sales service, etc. It is important to note that on March 15, 2014, an updated law on the protection for the rights and interests of consumers in the implementation of electronic commerce came into force in the PRC (LICHTENSTEIN, 2021). Key legislative changes relate to the following areas:

- 1) securing the responsibility of trading platforms and online platforms on which goods are traded;
- 2) securing the responsibility of social groups, other organizations and individuals involved in fraudulent advertising of goods or services;
- 3) strengthening the positions of consumer communities and organizations;
- 4) increase in penalties in case of violation of this law;
- 5) providing the Chinese authorities with an opportunity to publicize the violation of this law;
- 6) exemption from the right to return online content downloads; obligations to cover transportation costs when the goods are returned by the consumer;
- 7) timely unlimited returning goods; in case of two unsuccessful attempts to repair, the defective product will not be returned.

The main law in the field of electronic signatures regulation is the corresponding Law on Electronic Signatures of the PRC (LICHTENSTEIN, 2021), which entered into force on April 1, 2005. According to article 14 of the law, the legal force of an electronic digital signature is recognized. In fact, the legislation of the PRC in this area is a kind of combination of the EU Directive on electronic signatures, the UNCITRAL model law and the provisions of the UN Convention on the use of electronic communications in international agreements. Chinese legislation provides for the recognition of legal force and regulates transactions using conventional electronic and digital signatures. On January 26, 2014, the PRC Administration for Industry and Commerce released a new set of administrative measures regarding the regulation of online transactions. Which detailed the obligations on business operators and the corresponding penalties.

This set of rules applies to all activities related to online transactions and related services (Article 2). Online transactions involve the sale of goods or the provision of services over the Internet, including the mobile Internet (Article 3) (LICHTENSTEIN, 2021). The provisions of this law cover services, the provision of which is associated with the receipt of profits and the implementation of online transactions, including: the activities of electronic platforms, advertising and promotion of goods, lending, payments, logistics, courier services, Internet

access, server hosting, virtual sites, design of web pages (Article 3) (LICHTENSTEIN, 2021). The basic principles of collecting, processing and disclosing personal information assume that the seller of a product / service is obliged to publish information about the company's policy on the following issues: the purpose of collecting information, methods of collecting and analyzing information, the amount and aspects of the requested information.

In addition, the law stipulates that business operators do not have the right to send advertising information to consumers without the consent of the latter. In the event of a corresponding request from the consumer, the operators undertake to immediately stop sending advertising information. Separate provisions regulate the issue of information on consumer credit ratings (LICHTENSTEIN, 2021). The relevant agencies have the right to collect such information in accordance with the principles of neutrality, impartiality and objectivity. The contract can be changed only with timely notification seven days in advance and subject to the mandatory condition for the publication of these changes (LICHTENSTEIN, 2021). In the event of the closure of the platform, the provider is obliged to notify consumers and business operators about this in a publicly available resource within a period of at least three months. Providers of electronic platforms are also required to publish the rules and regulations of the platform in the field of trade management, to provide appropriate technical support (LICHTENSTEIN, 2021).

It is important to note that in addition to those listed above and taking into account the rapid development of the e-commerce sector, the PRC is currently forming a new comprehensive law governing e-commerce issues. On March 10, 2016, during a press conference, Deputy Director of the NPC Finance and Trade Committee announced the formation of the initial version of the first comprehensive law of the PRC in the field of e-commerce [(XIAO-LU, 2017). The main aspects of regulation under this law are data protection and consumer interests.

On July 1, 2015, the National Security Law of the PRC entered into force. The law includes 86 regulating articles for a wide range of issues and specific obligations in the field of forming a strategic plan for cybersecurity, regulation of network products and security services, security of the Internet, data security, network information security, formation of an alarm system and emergency response, regulatory regime and implementation of network supervision.

These regulatory norms proposed and came into force in the spring of 2016. In general, there are two key models for the participation of foreign companies in e-commerce in the PRC: the use of special zones for the development of e-commerce (bonded zones) and direct deliveries using web pages related to the customs service of the PRC. Compared to EU legislation, despite the attempts of the Chinese leadership to form comprehensive legislation in this area, today there are a number of problematic points that impede the effective development of e-commerce in the PRC:

1. Taxation: It is not clear enough when goods bought by Chinese consumers are personal goods, which raises questions from consumers. In addition, it is not entirely clear how commodity code systems and so-called fragmented products relate (for example, software sales revenue should be treated as sales revenue or royalties).
2. Control over the circulation of foreign currency: cross-border electronic transactions to China are difficult, since the PRC exercises strict control over the circulation of foreign currency and imposes rather strict requirements for payment systems.
3. Customs clearance and quarantine: measures are being taken to streamline and simplify the process of carrying out export and import transactions in the form of e-commerce. However, a single integrated platform and database for the exchange of information by various agencies has not yet been created. In this case, the EU experience and the RAPEX (Rapid Exchange of Information System) and RASFF (Rapid Alert System for Food and Feed) systems can be very useful for China.

DISCUSSION

The results of our research correlate with theses of such authors as A.Tsang and Xiao-Lu Ni [20], V.Yu. Yudin, 2020. In particular, in his article Xiao-Lu Ni discusses the legal regulation of e-commerce system in China from comparison point with EU legal norms. The results of our

research are also confirmed in the theses by A.V. Savina. who writes on actual legal factors in the development of the system of financial and legal regulation of electronic commerce.

Our conclusions that the regulation of e-commerce in China is primarily aimed at achieving maximum national security in the field of e-commerce is confirmed in the works by H. Nikali, J. Mattila, I. Rintanen, V. Huuhtanen, In their work A.P. Klimov, N.V. Vilskaya noted that the European Union more characterized by an emphasis on consumer protection and legalization of electronic transactions in the field of commerce than on strict state control over electronic commerce (KLIMOV & VILSKAYA, 2020).

We can also agree with the conclusions by Fu Zao that, in comparison with the European Union, China creates a stricter framework for the regulation of e-commerce. In work by V.V. Demirchyan we find an opinion, relating with our results, that in the European Union, the policy of regulation in the e-commerce field is based on the neoliberalism principles, when the regulator only sets a general framework for the development of national legislation of countries European Union.

Certain provisions on the need for a denser implementation of the legislative practice of the European Union for the regulation of e-commerce in China can be found in the works of such authors as F. Lichtenstein, A.P. Alekseenko, T.T. Aliev and I.V. Bit-Shabo. In general, we can say that at present, the scientific discussion about the regulation of e-commerce is gaining more and more strength, since the sphere of regulation itself is growing and developing rapidly.

CONCLUSIONS

The study allows us to draw the following conclusion: in comparison with the legislation of the European Union, in China there is a restriction on the implementation of e-commerce in the country by foreign partners due to the fact that at present the PRC exercises strict control over currency circulation and imposes rather strict requirements in relation to payment systems. Moreover, China's e-commerce measures aimed at encouraging domestic banks and payment systems that have the legal capacity to carry out cross-border electronic payment services with the participation of domestic and foreign individuals and enterprises, as well as to facilitate cross-border electronic payments in RMB.

It is important to note that some of the decisions of the PRC leadership to introduce regulatory and restrictive measures affecting the field of e-commerce are due to considerations of national security. Given that such measures can be harsh and long-term, it is necessary to pay close attention to the available information relevant to the plans of the PRC government for their introduction, as well as to be ready to work out appropriate decisions on adaptation to them in advance. In contrast to the legislation of the European Union, in the field of electronic commerce in China, certain restrictions related precisely to issues of ensuring national security.

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Electronic commerce and its regulation in the European Union and China: a comparative analysis

O comércio eletrônico e sua regulamentação na União Europeia e na China: uma análise comparativa

El comercio electrónico y su regulación en la Unión Europea y China: un análisis comparativo

Resumo

O artigo fornece uma análise estatística das tendências no desenvolvimento do comércio eletrônico no mundo em geral e na China, em particular, uma análise jurídica comparativa do sistema de regulação legal de aspectos-chave que afetam o funcionamento do comércio eletrônico na União Europeia e na República Popular da China (mais RPC). A metodologia da pesquisa baseia-se em uma abordagem sistemática e inclui os métodos do grupo científico geral (análise, síntese, indução, dedução), bem como métodos especiais: análise estatística, análise de conteúdo da literatura científica sobre o tema da pesquisa, método de análise jurídica comparativa. Como resultado do estudo, o autor chegou à conclusão de que a legislação da China e da União Europeia em relação à regulação do comércio eletrônico visa objetivos fundamentalmente diferentes: na UE, a legislação visa proteger as transações privadas e o comércio, e para a China, a prioridade é o desenvolvimento de normas legais que permitam ao Estado controlar os fluxos comerciais eletrônicos e a aquisição de uma cibersegurança no setor de comércio eletrônico.

Palavras-chave: Legislação de comércio eletrônico. Análise jurídica comparativa. Direito internacional. China. União Europeia.

Abstract

The article provides a statistical analysis of the trends in the development of e-commerce in the world in general and in China in particular, a comparative legal analysis of the system of legal regulation of key aspects affecting the functioning of e-commerce in the European Union and in the People's Republic of China (further PRC). The research methodology is based on a systematic approach and includes the methods of the general scientific group (analysis, synthesis, induction, deduction), as well as special methods: statistical analysis, content analysis of scientific literature on the research topic, the method of comparative legal analysis. As a result of the study, the author came to the conclusion that the legislation of China and the European Union regarding the regulation of e-commerce is aimed at fundamentally different goals: in the EU, legislation is aimed at protecting private transactions and trade, and for China, the priority is the development of legal norms that allow the state as much as possible control electronic commercial flows and procuring a cybersecurity in e-commerce sector.

Keywords: E-commerce legislation. Comparative legal analysis. International law. China. European Union.

Resumen

El artículo proporciona un análisis estadístico de las tendencias en el desarrollo del comercio electrónico en el mundo en general y en China en particular, un análisis jurídico comparativo del sistema de regulación jurídica de los aspectos clave que afectan al funcionamiento del comercio electrónico en la Unión Europea y en la República Popular China (nueva República Popular China). La metodología de investigación se basa en un enfoque sistemático e incluye los métodos del grupo científico general así como análisis estadístico, análisis de contenidos de la literatura científica sobre el tema de la investigación, el método de análisis jurídico comparativo. Como resultado del estudio, el autor llegó a la conclusión de que la legislación de China y la Unión Europea en relación con la regulación del comercio electrónico tiene por objeto objetivos fundamentalmente diferentes: en la UE, la legislación tiene por objeto proteger las transacciones privadas y el comercio, y para China, la prioridad es el desarrollo de normas jurídicas que permitan al Estado controlar al máximo los flujos comerciales electrónicos y obtener una ciberseguridad en el sector del comercio electrónico.

Palabras-clave: Legislación de comercio electrónico. Análisis jurídico comparativo. Derecho internacional. China. Unión Europea.