

Adoption of the law on electronic commerce

On 3 September 2015, the Verkhovna Rada adopted the Law of Ukraine "On Electronic Commerce" which is bound to regulate online commerce and trade over the Internet as well as use of electronic money. The Law became effective on 30 September 2015.

The Law aims at ensuring the legal framework for remote execution and implementation of contracts in Ukraine with the use of electronic communication means and technologies.

Provisions of the Law regulate relations on remote execution of sale and purchase of electronic goods or delivery of goods, performance of works and rendering of services.

Execution of an electronic contract takes place at the time of receipt by the offeror of the offeree's consent on conclusion of the agreement. Such consent might be sent by any of the following means: by way of a duly signed electronic message, by way of filling in of a signed electronic application form; by way of performing of actions which serve as a consent for execution of the electronic agreement, if such actions are fully defined in the information system containing the offer to execute the contract and are logically connected with such offer.

An important innovation of the Law is the regulation on the signature in the area of the electronic commerce, which allows the use of a digital signature of one-time electronic identifier (a special code forwarded to the offeree's mobile phone or e-mail).

The Law equates a duly signed electronic contract to a contract in writing. Thus, the electronic documents might serve as evidence in a court trial and shall be deemed as written evidence.

We would like to note that the provisions of the Law are not applicable to transactions for which a special procedure of transfer of ownership is established under the law, transactions with the state authorities, transactions requiring notary certification or state registration, representation before courts, or transactions in relation to betting, gambling or lotteries.