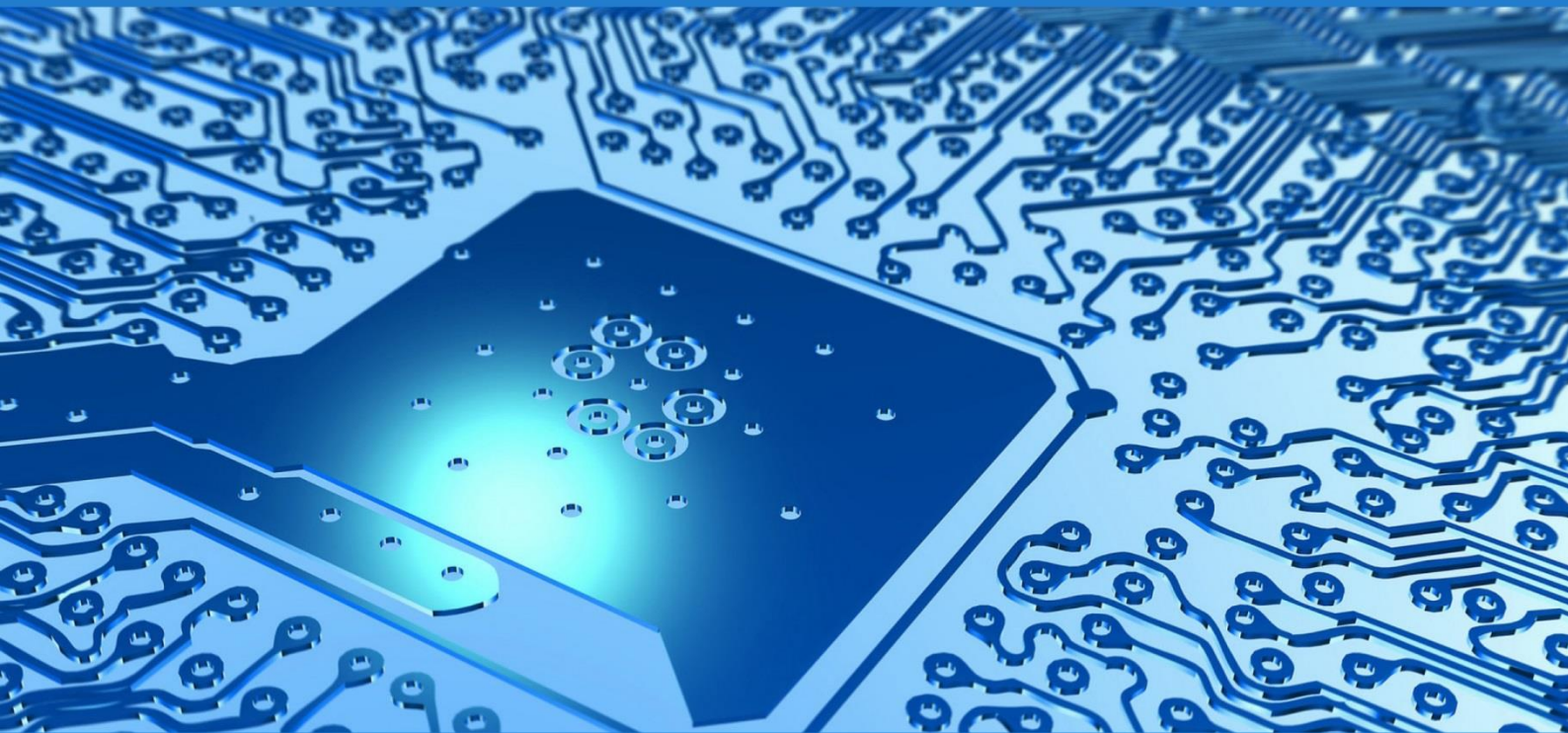


Best practices in the Mediterranean region and in EU

The role of ICTs as enablers of development

5 Mediterranean and 4 European Countries involved



ClusMED



ClusMED is one year old! We are very pleased to introduce you ClusMED results!

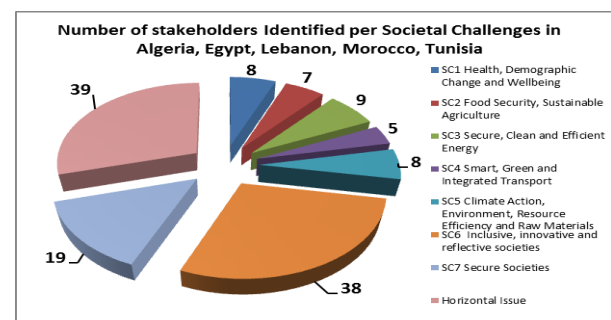
Towards EU-MED cooperation on the ICT regulatory framework in support of Societal Challenges

In the EU context and the Mediterranean Countries Cooperation, the EU is supporting ClusMED initiative, an international cooperation EU funded project in the 7FP under the ICT theme.

ClusMED aims to contribute to international cooperation between EU and Mediterranean countries in the field of ICT Regulations in support of Societal Challenges.

In its first year of activities, many results were reached in the five target countries (Algeria, Egypt, Lebanon, Morocco and Tunisia). The mapping of relevant key stakeholders and regulatory framework has shown the following results:

✘ A total of 134 relevant key stakeholders (governmental and non-governmental organizations) **engaged in the design and implementation of ICT regulations have been identified** in the five MED targeted Countries:



Content_

ClusMED Facts and Figures_

ClusMED Future Paths_

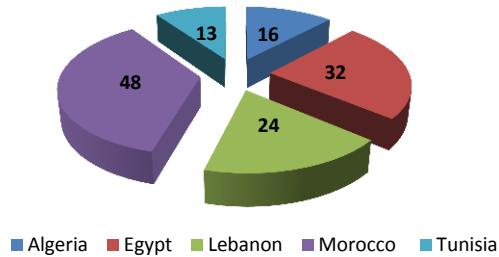
Main findings in ClusMED events, Multi-Stakeholder Workshops in Algeria, Egypt, Lebanon, Morocco and Tunisia_

ClusMED interface EMERG_

E-Commerce in MEDA Countries_

Upcoming ClusMED events_

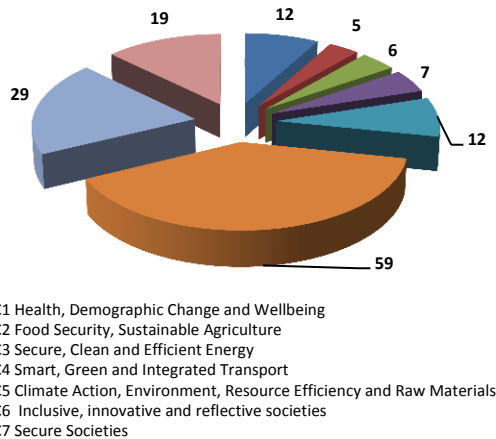
Number of stakeholders Identified per MED country



Thanks to the identified actions, MED partners have published in ClusMED website the relevant national reports on specific existing ICT regulation situation in the MED targeted countries.

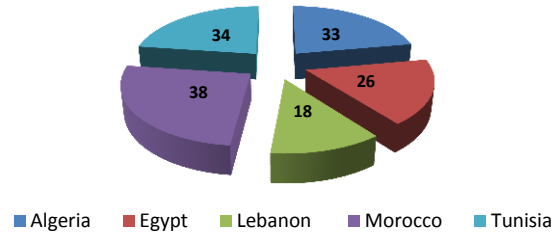
✘ A total of 149 ICT regulations in support of Societal Challenges in MED Countries have been identified.

Number of regulations Identified per Societal Challenges in Algeria, Egypt, Lebanon, Morocco, Tunisia



The majority of MED partners carried out their research using primary and secondary sources: i. Primary source includes phone and personal interviews, focus group discussions with major stakeholders associated with the seven different societal challenges. It also included emails and questionnaires sent out and data and information collected accordingly; ii. Secondary source includes information gathered from desk research including

Number of regulations identified per MED country



available documents, internet research, and other material available. In addition a workshop has been organized in Egypt in April 2014 where 50% of identified stakeholders participated.

✘ A Common Information Databases have been implemented on the ClusMED website <http://www.clusmed.eu>. It includes both results of mapping of stakeholders and regulations in the five targeted MED Countries. An additional search application tool has been included, allowing users to quickly obtain the information on the web content in a more efficient and faster way.

✘ Synergies and collaboration with other relevant EU – MED projects and initiatives in the ICT sector has been exploited: MOSAIC, MED Dialogue, EMERG, MED – SPRING, ERANETMED, NESSI European Technology Platform.

ClusMED facts and figures



134 stakeholders identified by MED Partners

167 people participated in ClusMED national events



6 international events in which ClusMED has been presented

149 ICT regulations in support of Societal Challenges identified in MED Countries

15 Reports presented

5 EU projects ClusMED has started communicating with



ClusMED future paths!

Towards EU-MED cooperation on the ICT regulatory framework in support of Societal Challenges

The first ClusMED year has already passed and a mapping of ICT regulatory framework as well as creation of Multi Stakeholder Groups (MSG) were performed. A second phase of ClusMED activities is beginning, in order to reach a common and shared understanding of the regulatory framework of each country, its characteristics, its enforcement mechanisms and strengths or obstacles to its implementation/adoption.

The analysis will be performed by each country at national level, focusing on:

- Institutional Framework
- Relevance to Societal Challenges
- Adoption Level
- Enforcement Mechanism
- Relevant differences among Societal Challenges

An analysis and benchmarking phase is now the challenge of ClusMED partners in order to delineate a regulatory landscape in the Region, with specific focus on relative

similar European regulation. Therefore, characteristics and major findings of the MED regulatory framework will be gathered in order to stimulate debates on a reasonable and reliable roadmap towards a 2020 innovation regulatory framework.

The analysis will be conducted with the strong support of local partners and of the national Multi-stakeholder Groups (MSG) that will have the role of involving regulators and other relevant stakeholders, within the specific category of ICT users, facilitating the elicitation of information sought.

Then, at a final stage, the benchmarking analysis will compare ICT regulatory framework on a regional view with the European Regulatory Framework, in order to identify best practices on ICT regulatory issues.

First national analysis results will be available in May on ClusMED website

<http://www.clusmed.eu/public-downloadables/>.

Main findings of ClusMED national events

Multi-Stakeholder Workshops in Algeria, Egypt, Lebanon, Morocco and Tunisia.

✘ 5 Multi-stakeholder workshops have been organized in five MED Countries (Algeria, Egypt, Lebanon, Morocco, Tunisia) mobilizing the most relevant ICT parties and organizations at country level (academics, ICT professionals, ICT regulations experts and lawyers). A total of **167** people participated to ClusMED national events (about 30 people for each workshop). Regulatory and political debates on ICTs as Drivers of Development have been promoted at national level.

Some interesting findings from national workshops are listed below:

National workshop held on the 27th November 2014 in Algeria, Algiers

“This workshop was an opportunity for all the actors to deal with political, social, economic and organizational issue related to ICT regulations in Algeria. This has lead us to get to the following recommendations:

- (i) Encourage inter-institutional collaboration;*
- (ii) Creating a network of experts;*
- (iii) Maintaining the bridge between decision-makers and specialists.”*



National workshop held on the 1st December 2014 in Lebanon, Beirut

“ICTs offer a potentially powerful mechanism for promoting competitiveness, economic growth and social development. Particularly, ICTs can be considered as platform to open economic and social opportunities. It is crucial to

- i) create an enabling environment for the development of the ICT sector;*
- (ii) Maximizing the social, economic and environmental benefits of the Information Society;*
- (iii) Create trustworthy, transparent and non-discriminatory legal, regulatory and policy environment.”*



National Workshop held on 12th January 2015 in Egypt, Cairo

“ICT could be the driving force for integrating plans of different sectors, building networks and database for information about the society, and the regulations concerned with freedom of information.”

ClusMED project

“Has been appreciated as offering an *efficient platform for collaboration* work not only between national stakeholders but also sharing the experience with similar MED countries and benefit from the knowledge of best practices and return of experience from EU countries”

Project Steering Committee Meeting held on the 12-13th June 2014 in Morocco, Casablanca

“Building the system is main problem, people are involved more in solving the problems and don't take care of the system that solves the defined problems and other societal challenge in a strategic framework.”



National workshop held on the 27th November 2014 in Morocco, Fez

“Morocco is very aware of the opportunities offered by ICT in terms of growth, job creation, improvement of living conditions (better access to education, health, etc.) as leverage for social inclusion and as a means of bringing citizens closer to their administration, etc.

Morocco has ingredients allowing its integration in the digital age such as reliable technological infrastructure, dynamic human resources, evolving legal framework and constantly adaptation to international standard.”



National workshop held on the 8th October 2014 in Tunisia, Tunis

“The organization of the workshop was crowned with great success resulted in the participation of more than fifty representatives of different sectors concerned with societal challenges. The objectives were achieved as fruitful exchanges took place between the participants to propose ideas and actionable insights to improve regulations that are still in phase delay with respect to the evolution of technology information and communication for the benefit of various societal challenges.”



ClusMED interface EMERG

ClusMED project was presented to EMERG, the Euro-Mediterranean Regulator Group

ClusMED project was presented in the EMERG Contact Network meeting that took place on the 29th of January 2015 at Barcelona. The featured EMERG event was under the organization of CNMC, the Spanish regulator and current EMERG Chair for 2015.

EMERG is the Euro-Mediterranean Regulator Group that encompasses representatives of electronic communications sector regulators from the Mediterranean region, specifically members from the Independent Regulators Group (IRG), North Africa and the Middle East. ClusMED project suggested EMERG to present the project in this contact network in order to explore synergies with other ongoing projects and initiatives in the Mediterranean region.

ClusMED presentation at EMERG event was made by the Spanish company A-CING, one of the consortium partners. EMERG participants showed their interest in the ClusMED activities, and the presentation raised important questions. Some of them were focused on the ClusMED dissemination activities and on the project interests in the Telecom Regulation field.

However, it was the development of the methodology and benchmarking criteria for ICT regulations which most attracted the audience interest. The motivation for this specific interest in the benchmarking area underlies in the fact that for the first time, an

expert working group inside EMERG is in charge of preparing a benchmark report, which is chaired by CNMC.



As a conclusion, it was agreed to maintain further contacts and sharing information about progresses made in these benchmarking ongoing activities. In addition, some of the EMERG participants showed their interest in participating in the project workshops that will be held in 2015. The presence of telecom regulators in national workshops will provide an excellent framework for learning best practices, ideas and actionable insights to improve regulations in the ICT field in support of the societal challenges.



www.a-cing.com



E-Commerce in MEDA countries

Internet commerce will change the face of business in 21st century.

The Internet opens up new opportunities on global markets for consumers and businesses. IT infrastructure, regulatory framework and economic integration of countries are among key factors that impact cross-border and national e-commerce uptake by individuals and enterprises.

Ecommerce is at the epicenter of MEDA's thriving economy. With internet penetration rapidly spreading across the region, this represents huge potential which has previously been unexplored.

The majority of North African countries have integrated electronic commerce in their **ICT strategies**. These e-Commerce strategies are more or less voluntarist depending on the stage of progress of the digital culture expansion level. Thus, **for Egypt, Morocco and Tunisia, ICT and e-Commerce strategies are closely linked**. For the other countries, e-Commerce is relegated to a secondary stage reliant on the results achieved by the ICT strategy.

Egypt, Morocco and Tunisia considered electronic commerce as a component of their ICT strategies and made a significant progress in this area compared to their North African neighbors.

At the same time, this is a challenge to the legal framework of many countries because the legal framework is insufficiently flexible or insufficiently specific in regulating the new relations between business entities. The Internet commerce presents the following problems to the legal framework of states:

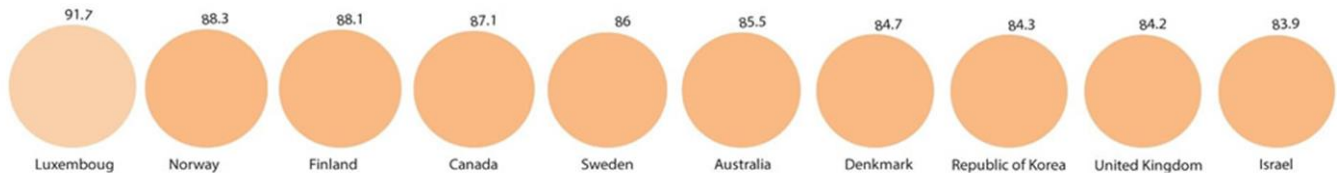
- ✗ **Distance transactions.**
- ✗ **Payments.**
- ✗ **International aspects.** The existing specific legal acts, taxation rules and restrictions on imports and exports still remain an important, slow moving issue to lawyers.
- ✗ **Consumer protection.** Related with the quality of goods and services; and personal data protection.
- ✗ **Protection of trademarks, Internet and intellectual property.**

MEDA countries are all convinced that the development of the Information and Knowledge economy cannot be limited to the development of digital infrastructure, but is also dependant on a sound and appropriate legal and institutional environment.

Countries that developed their digital infrastructure have also developed the legal aspects relative to ICT. **Tunisia took the initiative to develop the legal aspects at**

UNCTAD E-Commerce Index value 2014

TOP TEN Countries in the world



the same time as the technical aspects. The Tunisian legislature assimilated actions made on line to conventional actions.

Morocco, Algeria and Egypt have put into place sound legal environments. **Egypt and Tunisia have a law on electronic signature. Such a law is in the process of being passed in Morocco.**

In Lebanon, the Ministry of Economy and Trade has drafted and presented to the Parliament a basket of laws in support of the ICT sector. This basket includes amendments as well as new laws destined to enable e-commerce in the country. Laws cover the fields of E-signature, E-payment, E-transactions, consumer protection, privacy, copyright, and cyber-crimes.

E-commerce in Morocco

In Morocco, e-commerce is experiencing a significant peak of interest. Nowadays Moroccans are among the largest online shoppers of Arab countries next to the Egyptians, and inhabitants of the Gulf countries. **In 2014, it was enumerated a total of 1,800 commercial sites who has achieved one turnover of EUR 21.5 million.** The development has been spectacular since 2012, since the growth rate registered is 350% on the number of sites and 3,000% on online purchases.

This dynamism is related to the increase in connections' means, mobile devices

among both households and individuals. In fact almost 50% of Moroccans would possess connection's terminals: computers, tablets and smartphones.

The perspectives are promising especially with:

- The launch of several large e-commerce sites with large communication budgets;
- The development of m-commerce solutions for the payment of online transactions, the expansion of e-payment for large billers and administration (e-government)
- The focus of payment systems the most secure and building mechanisms for the protection of personal data.

In order to take full advantage of the e-commerce potential and give a perennial boost to this activity, it is appropriate to find solutions to some specific constraints to the sector, including the adaptation of financing and support mechanisms, adjustment of the legal framework and the training of human resources.

**Algeria's e-commerce Legal environment:
The main texts used as anchor to
e-commerce**

Algeria has no legal framework specific to e-commerce however it possesses a set of legal texts related to commerce which have been updated so that to be adapted to possible commercial transactions carried out through digital networks. These texts are related with consumer's protection and fraud repression, conditions of conducting commercial activities. A decree specifies conditions and terms related to the consumer's information and another specifies the particular terms of information over the prices to be applied on some sectors of activities or on some specific goods and services. Another decree specifies the conditions and terms of making out an invoice, a transfer notice, a delivery notice and a global invoice and one more specifying the essential items of contracts concluded with economic agents and consumers as well as the clauses regarded as excessive. As well as, other texts related to competition, warranty, standards, compliance control, conditions and terms related to the consumer's information.

The common feature of those texts is that none of them contains clauses which are specific to e-commerce only. Their adaptation has been limited to inserting within some existing clauses sentences or phrases to signify out of any coherence their applicability on telecommunication electronic means. One can cite, for instance, the 13-06 law which set down **the registration in the companies register via electronic means** (even though there **exists**

no code of activity specific to e-commerce in the actual companies register form). Or the articles 2 and 3 of the 09-65 executive decree within which the followings have been inserted: "[...] *technical and technological advertising stands*", "[...] *carried out by means of telematics ...*"

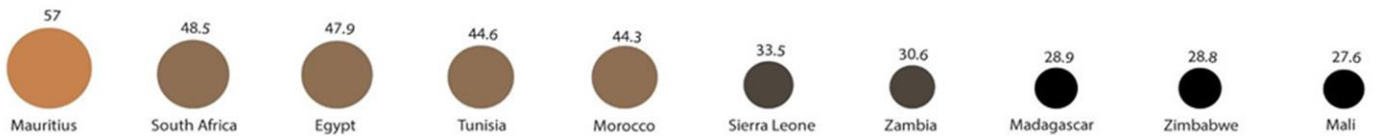
Besides, as regards the (important) role that commercial transactions security, through electronic signature, can play in developing e-commerce, one cannot ignore the legal mechanism related to the electronic signature.

One can conclude from the analysis of this mechanism that besides the vagueness of the first updating attempt of the Algerian right of evidence - which consists of the recognition, via the civil code of 2005, of the electronic writing and electronic signature; the 07-162 executive decree initiated by the Ministry of Post and Information and Communication Technologies in accordance with some clauses of the 03-2000 law on telecommunication- has lead to a yet more complicated legal system on electronic signature, through the set of concepts and definitions recorded in it and the implicit recognition of ARPT as root authority of certification.

Here we will provide a link with the whole article at the website.

UNCTAD E-Commerce Index value 2014

TOP TEN Countries in Africa



The 09-410 executive decree of December, 10th, 2009 specifying safety regulations applicable to activities related to sensitive equipments, submitted by the Ministry of Interior- notably in the passage related to encryption equipments and software- has not brought any precision as the possible relationship between the cryptography legal scheme and the asymmetric electronic signature legal scheme aimed at by the 07-162 executive decree and the 05-10 law of June, 20th, 2005, thus contenting with defining the control procedures of commercial activities and services supply in connection with sensitive equipments including encryption equipments and software.

The use of encryption software and electronic signature in the different sectors in Algeria, notably within banks and financial institutions¹, has clearly proved the shortcomings of the related legal mechanism and its inappropriateness within the electronic transactions challenge aiming at a social economic development of the country. In order to fill in the clauses shortcomings in the context of

cryptography and electronic signature, a new law over electronic transactions is being promulgated. This law was elaborated by an ad-hoc working party under the Prime Ministry services. It should be noted that this law would not be without impact on preventing from and fighting against ICT crimes.

In practice, e-commerce activities are not widely carried out despite the increasing number of the Algerian commercial websites.

This situation is certainly not due only to the shortcomings of the e-commerce national legal framework as highlighted above but to other factors such as the non-adoption of this new type of commerce by society. It is important to recall that many countries went through the same steps, and that e-commerce will end in imposing itself, imposing that way the setting up of an ecosystem which is appropriate to its promotion.

Conclusions, opportunities and weakness should be provided by all partners here.

¹ See SATIM missions at www.Satim-dz.com, see also the creation of an Economic Interest Grouping by the Professional Association of Banks and Financial Institutions (ABEF) in order to guarantee the diffusion, promotion, representation and standardization of the electronic banking system (including the development of the electronic payment) giemonetique.dz

UPCOMING ClusMED EVENTS

National workshops in MED
Countries
Second Call!

ClusMED
Final Conference!

The aim of the national workshops is to stimulate the internal debate on the role of ICTs as enablers of development – having in mind that regulations are the first step towards the establishment of an enabling environment for the development of the ICT sector.

Multi Stakeholder Groups will be involved on the validation of ClusMED major findings, as resulting from the analysis of the regulatory framework in each of the five MED countries involved in the project (Algeria, Egypt, Lebanon, Morocco and Tunisia).

To this purpose **a Multi Stakeholder Workshop will be host in the five MED countries between June-September 2015.**

For more information on regards of ClusMED upcoming events:

<http://www.clusmed.eu/events/>

The final conference will disseminate the project results and will contribute to the establishment of collaboration and cooperation links between EU and MED stakeholders in the ICT field. Consequently, the event will be also targeted to create awareness on the collaboration opportunities offered by the Horizon 2020 Framework Program. Relevant EU and MED stakeholders will be invited, including policy makers, members of European Technology Platforms (ETPs), MED Technology Platforms (TPs), and research and industrial communities.

The event will be organized in **October 2015 highlighting ClusMED major findings and results**, in order to foster EU-MED cooperation and boost economic growth by giving acknowledge of a possible regulatory framework on a regional perspective and sharing best practices between EU and MED Countries.

For more information on regards of ClusMED upcoming events:

<http://www.clusmed.eu/events/>