



Benin

Digital Trade Review and Next Steps

The WTO–World Bank joint work on Digital Trade for Africa (DTA) seeks to support greater engagement in digital trade by African countries. The project seeks to help African countries share fully in the benefits that digital trade brings and improve their development prospects. It builds on a joint World Bank and WTO policy note entitled “Turning Digital Trade into a Catalyst for African Development” (2023), which finds that digital trade offers new opportunities to boost trade-based growth for African countries, especially for SMEs, but requires a supportive ecosystem comprising connectivity infrastructure and a conducive policy and regulatory environment, as well as strengthened international assistance.

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EXECUTIVE SUMMARY

Benin has significant potential to leverage digital trade for economic growth, but critical challenges must be addressed to fully unlock this opportunity. Despite improvements in digital infrastructure, fixed broadband access is particularly limited, with a household penetration rate of just 0.9% in 2024. Internet usage in the country remains below the regional average, and high costs for Internet services and a notable digital gender gap further restrict access to digital trade opportunities, especially in rural areas.

The country's participation in digital trade has picked up pace recently. After a period of decline, Benin's exports of digitally delivered services have shown a recovery trend since 2021. The export of services such as financial, business, and computer services has been on the rise, signalling the growing integration of Benin into global digital markets. This growth, however, has been uneven, with a notable decline in financial services exports between 2019 and 2021, which affected the overall trend. Nevertheless, all sectors have experienced steady growth since 2021.

Benin's imports of digitally delivered services have also seen an increase since 2023. These imports are mostly made up of information services, other business services, computer services, and insurance services, inputs that are critical to enhancing the competitiveness of domestic firms across all economic sectors. The rising trend in both exports and imports of digitally delivered services highlights the potential of the services sector to contribute significantly to Benin's economic growth and digital transformation.

Benin is engaged in various international and regional trade fora relevant to digital trade. At the WTO, Benin has ratified the Trade Facilitation Agreement and undertaken GATS commitments in a few digital trade-enabling service sectors, including financial services and maritime freight transportation. It has not undertaken any commitments in telecommunications or computer services, however, nor has it eliminated tariffs on information technology goods. It also participates, alongside various WTO Members, in two rule-making initiatives of relevance to digital trade. The initiatives resulted in, respectively, the Agreement on Electronic Commerce, which aims to foster an enabling environment for digital trade, and the Investment Facilitation for Development Agreement, whose objective is to improve the investment and business climate, making it easier for investors in all sectors of the economy, including those of digital trade relevance, to invest, conduct their day-to-day business and expand their operations. The incorporation of these two Agreements in the WTO rulebook is currently being pursued. Benin is also a signatory to three regional trade agreements, namely ECOWAS, WAEMU and the AfCFTA.

The legal framework for digital trade has advanced in Benin, but the implementation is limited. The 2017 Digital Code introduced important regulations on electronic transactions and data protection. While Benin has implemented key provisions such as electronic signatures and online consumer protection, gaps remain in areas such as intermediary liability, paperless trade, and cross-border data flows. These regulatory limitations pose obstacles to businesses and individuals seeking to engage in digital commerce.

Further progress is needed in improving digital infrastructure and reducing Internet costs. Creating a competitive digital infrastructure, reducing the cost of Internet access, and fostering a more inclusive digital economy are crucial. Addressing regulatory gaps, particularly in cross-border data transfer and online consumer protection, is essential for building trust and encouraging greater participation in digital markets.

Strengthening public awareness of digital regulations is vital to enhance Benin's position in the global digital trade ecosystem. Alongside improvements in digital literacy and infrastructure, public awareness of existing digital regulations can drive economic inclusion, support small businesses, and create jobs through digital trade.

ACKNOWLEDGEMENTS

This country report is an analysis by the World Bank and the Secretariat of the World Trade Organization (WTO). The report has been conducted under the framework of the [Digital Trade For Africa](#) joint project, and was co-authored by Antonia Carzaniga from the WTO and Martín Molinuevo and Nigorakhon Sadikova from the World Bank (WB). Additional contributions were provided by Rodrigo Bomfim de Andrade and Xavier Stephane Decoster from the World Bank and Zsofia Tvarusko, Ishrat Hans and Oscar Douglas from the WTO. The report benefitted from the supervision of Abebe Adugna (Regional Director), Mona Haddad (Global Director), Doug Pearce and Sébastien Dessus (both Practice Managers) at the World Bank, and Johanna Hill, Xiangchen Zhang (both Deputy Directors-General), Xiaolin Chai (former Director, Trade in Services and Investment Division), at the WTO.

The authors are grateful to colleagues from both institutions for their useful comments and guidance during various stages of preparation of the report. At the WTO, the authors wish to thank Claudia Locatelli, Joscelyn Magdeleine and Martin Roy for their comments, and former colleagues Alex Beyleveld and Andrea Bulnes for their research assistance. At the World Bank, special thanks are owed to Jana Kunicova, Kaliza Karuretwa, Javier Suárez and Marc Jean Yves Lixi for their valuable inputs and suggestions.

1 INTRODUCTION

Digital trade¹ has become a cornerstone of global economic activity. Digital technologies reduce the cost of engaging in international trade, allow direct connections between producers and consumers around the world, help diffuse ideas and technologies, and facilitate the co-ordination of global value chains. In Africa, the potential for digital trade to spur economic growth and development is particularly significant. While Africa represents a small share of global trade in digitally delivered services (less than 1%), exports of digitally delivered services are the fastest growing segment of African trade, showing fast and continued growth in the last 15 years.² The World Trade Organisation (WTO) estimates show that global exports of digitally delivered services have more than quadrupled in value since 2005, and they have registered an 8.3% yearly growth rate between 2005 and 2024, outpacing exports of goods (4.5%) and other services exports (4.9%).

Nevertheless, challenges for digital trade abound, ranging from connectivity investment to policies and regulations. Connectivity infrastructure, though it has advanced greatly in the last decade, remains a hurdle. Estimates obtained using the WTO Trade Cost Index show that improving digital connectivity reduces the costs of trading both in goods and services in Africa, especially for business and professional services.³ Yet connectivity is only one (important) piece in a large and complex puzzle.

Digital trade demands a supportive ecosystem, starting with a solid digital connectivity infrastructure. It is critically important that advances in connectivity infrastructure go hand in hand with policy and regulatory reforms to ensure that digital communications are affordable, the population has the necessary digital and entrepreneurial skills, and businesses can leverage those opportunities. Trade policy is an important component of this ecosystem, as it fosters policy predictability and promotes access to global digital markets while advancing broader public policy goals.

Benin's nascent digital economy stands to reap substantial gains from increased trade integration. Boosting digital trade has the potential to drive the creation of quality jobs, foster inclusion of women and youth, and accelerate digitalization of businesses in Benin. Having recently revamped its legislative framework to better support the digital sector, Benin has also volunteered as a pilot country in the World Bank (WB)–WTO Digital Trade for Africa (DTA) project. While these efforts reflect a high level of priority given by the government to digital economy, further regulatory and policy reforms are needed to unlock the potential of digital trade and address the challenges that lie ahead.

This report assesses the policy frameworks relevant for digital trade in Benin from two perspectives. First, it examines general policy frameworks that, while not directly targeting digital trade, can be key facilitators of this trade. As a point of reference, the analysis looks into enabling services trade regimes, tariffs on information and communication technology (ICT) goods and facilitation of border processes, amongst others. Second, it reviews regulatory domains specifically related to key aspects of digital trade. This analysis draws on a range of sources⁴, including the World Bank Digital Trade Regulatory Readiness (DTRR) database (forthcoming 2025) and the World Bank–WTO Services Trade Restrictions Index (STRI), joint WB-WTO field missions, consultations with policymakers, stakeholders and various experts, and additional research to provide a holistic view of the digital trade landscape in Benin.

¹ Digital trade is defined in this report as all trade that is digitally ordered and/or digitally delivered, as per the IMF/OECD/UNCTAD/WTO (2023), *Handbook on Measuring Digital Trade*. The terms digital trade and electronic commerce are used interchangeably. See also Box 2.

² WBG/WTO (2023a)

³ Ibid.

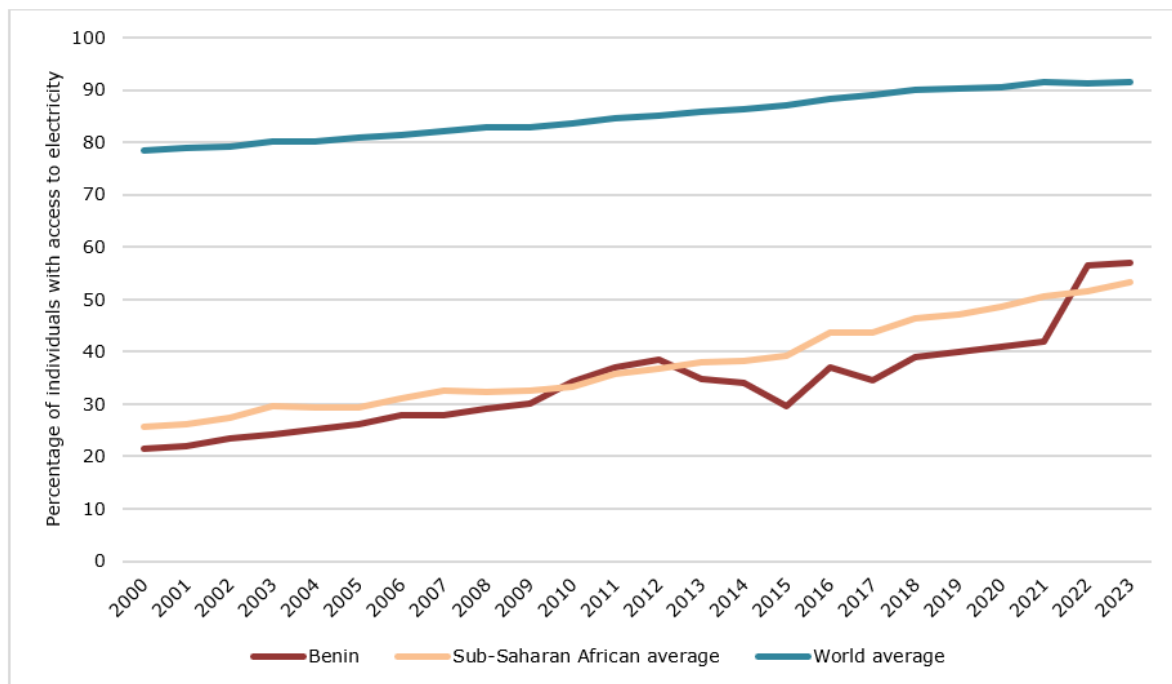
⁴ Table of sources provided in Table A3, Annex 1.

2 BACKGROUND

2.1 Digital connectivity foundations

Access to electricity in Benin has improved, but it still considerably below the world average. After lagging the African average for most years since 2000, Benin leapt appreciably above that average in 2022, by which time over half of the population had access to power. In 2023, the share of Benin's population with access to electricity had reached 57%. However, significant room for improvement remains, as the country still lags the global average (91.6%) by a large margin (see Figure 1). The devices, servers, and communication infrastructure necessary to connect Beninese people to the Internet all require a reliable electricity supply. Without it, these components cannot function, limiting access to the Internet and, in turn, to digital trade.

Figure 1. Electricity access in Benin (2000-2023)



Source: World Bank Development Indicators.

Access to the Internet is a prerequisite for engaging in digital trade. This entails various facets, starting with the availability of Internet connectivity. Beyond availability, the quality of the Internet connection, which includes the speed and reliability of the connection, is also crucial. High-speed Internet is necessary to engage in activities such as real-time customer service and accessing cloud-based applications, all of which have become increasingly essential for digital trade operations to thrive. Finally, Internet access must be affordable for its effective utilization. High costs can be a significant barrier, particularly for micro, small and medium-sized enterprises.

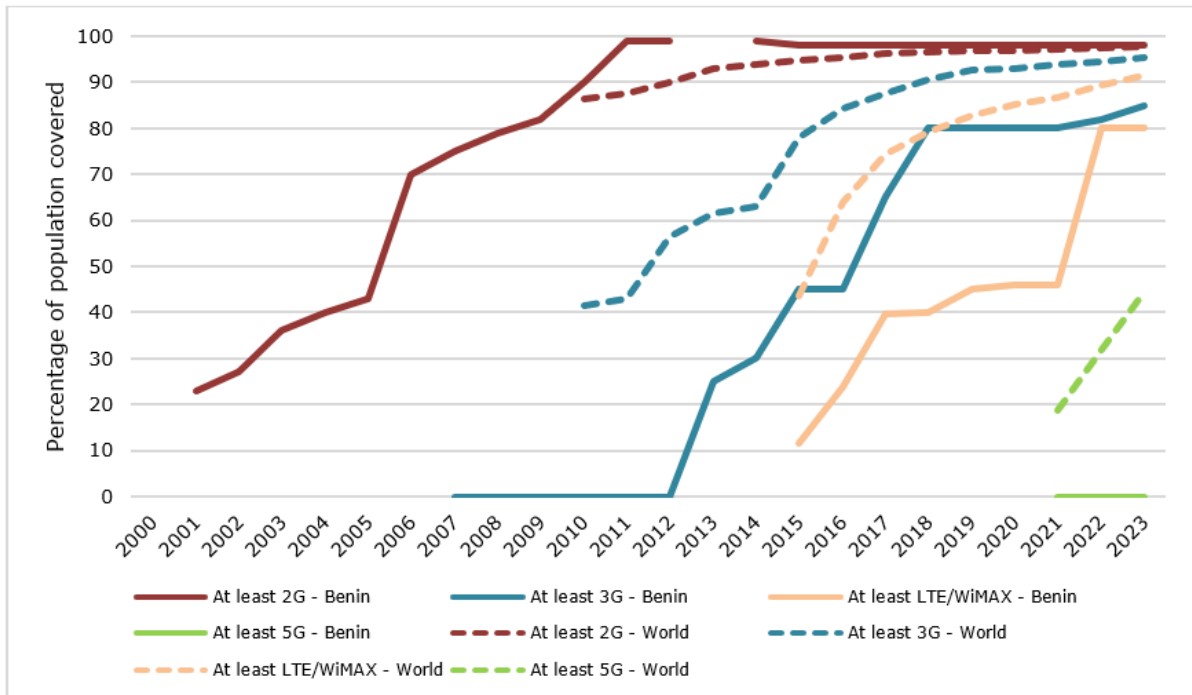
Mobile broadband remains the dominant technology to access the Internet. Based on the GSM Association data, the "unique" mobile broadband subscription rate⁵ reached 21.7% in Benin as of 2023. This represents notable progress, as the rate has increased more than sevenfold since 2016, when it stood at only 3%. Fixed broadband remains virtually non-existent in the country, with a household penetration of only 0.9% as of March 2024 – with around 24,000 fixed broadband subscriptions.⁶ As for mobile broadband, Benin has achieved extensive coverage in 2G, 3G, and LTE/WiMAX technologies, although 3G and LTE/WiMAX still fall short of global benchmarks. In 2023, the percentage of population covered by 2G, 3G, and LTE/WiMAX networks in Benin was 98%, 85%, and 80% respectively. In 2023, there was no 5G coverage in Benin, compared to a global average

⁵ "Unique" refers here to the neutralization of the multiple-SIM effect, whereby an individual holding several mobile-broadband SIM cards is counted only once.

⁶ Telegeography (2023).

of 44.5% of population coverage (see Figure 2). It should be noted, however, that 5G technology only became generally available shortly before 2022, and that investments in 5G infrastructure have been announced in 2023 and 2024. In early 2023, SBIN-Celtis announced a “5G pilot phase”, and in September, MTN Benin indicated that it was in the process of deploying 5G technology. When more recent figures become available, it would be reasonable to expect higher shares of 5G penetration.

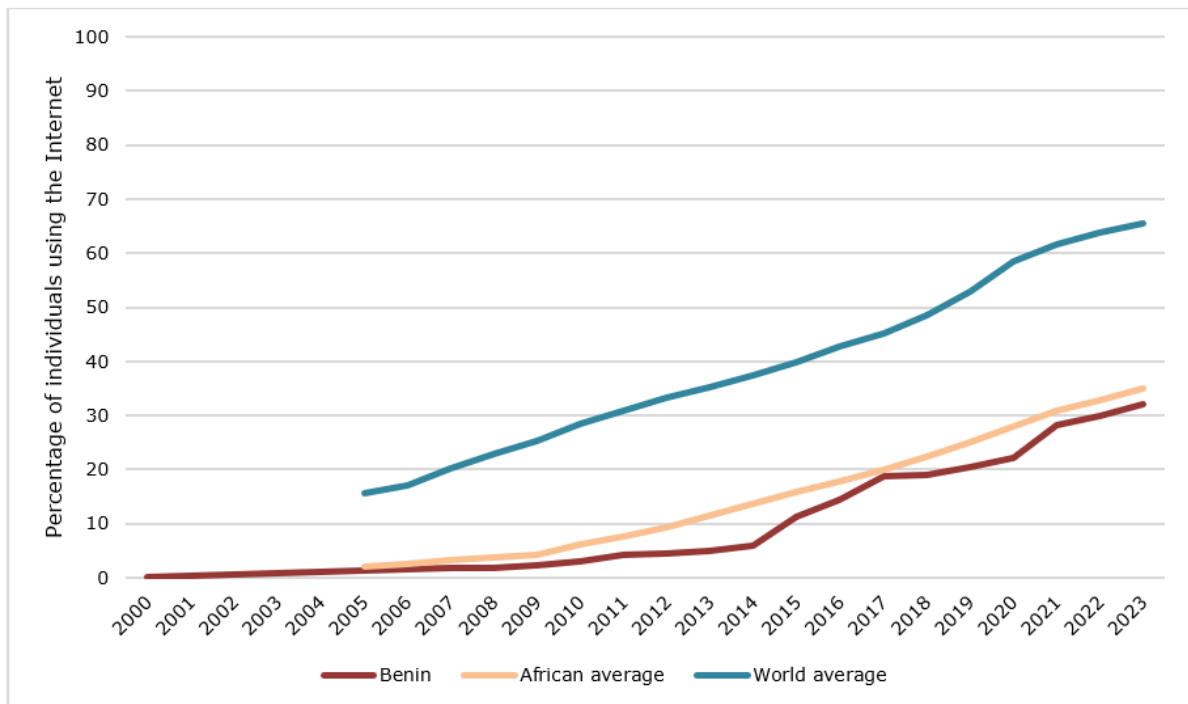
Figure 2. Population coverage by mobile network technology, 2000-2023



Source: Compiled with data from ITU DataHub.

Internet usage is still lagging in Benin. Several indicators show that despite an increase in Internet usage over the last decade, the country has still not reached its full potential. According to the latest International Telecommunication Union (ITU) data, as of 2023, 32.2% of the Beninese population was using the Internet on a regular basis from any location (e.g. personal devices, Internet cafés, work offices). While this represents a significant improvement over the past decade - rising from just 6.0% in 2014 (see Figure 3) - it remains far below the global average of 65.4%.

Figure 3. Internet usage in Benin (2000-2023)

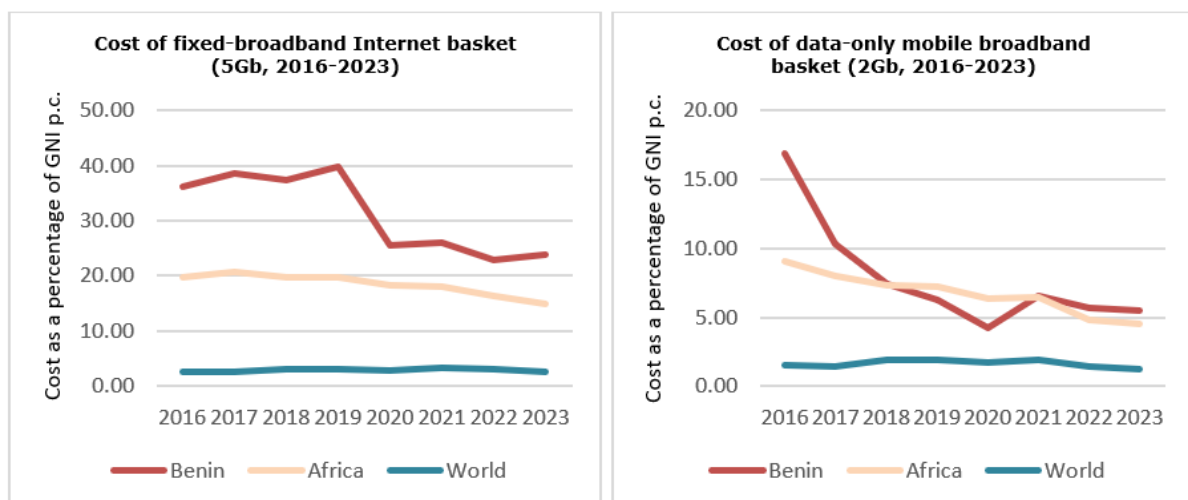


Source: Compiled with data from ITU DataHub.

Internet affordability has slightly improved over the last few years, but prices remain high.

The cost associated with connecting to the Internet in Benin has somewhat declined during the last 8 years (see Figure 4). This is corroborated by ITU data, which show that fixed-broadband affordability has improved over the last 8 years in the country. The cost of an entry-level fixed-broadband basket constituted 36.14% of Gross National Income (GNI) per capita in 2016, which progressively fell to 23.8% in 2023. However, fixed broadband costs in 2023 remain significantly more expensive compared to the African average (14.8%) as well the world average (2.7%). Additionally, as per ITU data, a data-only mobile broadband basket of 2 Gigabytes (Gb) cost 16.9% of per capita GNI in Benin in 2016 but had progressively fallen to 5.51% in 2023. Benin is still far from achieving the mobile broadband affordability objective of 2.0% of GNI per capita adopted by the United Nations Broadband Commission for 2025.⁷

Figure 4. Internet access cost trends in Benin



Source: Compiled with data from ITU DataHub.

⁷ See <https://www.broadbandcommission.org/advocacy-targets/2-affordability/>

There is room for more competition in digital connectivity infrastructures, both for mobile and fixed broadband (see Box 1 below). There are three mobile operators in the market: two are private-owned (MTN-Bénin, Moov Africa Bénin) and the third is a Government-controlled State-Owned Enterprise named *Société Béninoise des Infrastructures Numériques* (SBIN), with the commercial brand Celtiis). According to the 2023 annual report of the Benin regulator (ARCEP), in the first half of 2023, MTN was the market leader with a share of 54%, followed by Moov Africa (35.1%) and SBIN-Celtiis (10.9%). Competition in the fixed broadband could also be improved as the SOE SBIN remains the dominant operator in this very small market (about 24,000 subscriptions) with an 81.7% market share. Following the adoption of the 2018 Digital Code, the provision of Internet access services, previously subject to a “license” system, is now subject to an “authorization” system and Internet Service Providers (ISPs) are no longer required to enter the Beninese market through a competitive bidding process. As a result, Benin had more than 17 active ISPs in December 2023, compared to 4 ISPs in Togo, for instance.⁸

Box 1. Status of the telecommunications SOE SBIN

In 2016, the Government restructured its state-owned enterprise operator Benin Telecom (BT) to split it into two entities: Bénin Telecom Infrastructure (BTI), a wholesale infrastructure provider, and Bénin Telecom Service (BTS) a retail operator for fixed voice and Internet services. In June 2017, the Government further restructured BTI and BTS to create the SBIN. All BT's assets were transferred to SBIN, including the national fibre optic backbone network spanning the country, as well as access rights to the SAT-3 and ACE submarine cable systems. BTI went into judicial liquidation in 2018. In March 2020, the Government decided to extend SBIN's scope beyond the supply of wholesale capacity and authorized the company to provide retail electronic communications services. In June 2021, following an international competitive bidding process, Benin granted the 3rd mobile license to SBIN to establish and operate a mobile electronic communications network (named Celtiis). There is no public information on the financial conditions related to this 3rd mobile license.

In March 2021, the SBIN recruited the Senegalese operator Sonatel Group – a subsidiary of the French global Telecom company Orange Group – as a delegated manager for its operations. The management contract is reported to last for five years (there have been later reports suggesting a potential extension of the initial five-year term to eight years, although this remains unconfirmed as of July 2024). No public information is available on the management contract.

While the decision to recreate a pure wholesale national operator could have supported a more competitive environment, the decision to (re)create a fully-fledged vertically integrated operator carries a high risk of stifling competition dynamics. SBIN is now active on both the wholesale and retail markets, and in direct competition with the other operators to which it was supposed to sell digital capacity. In this context, and to strengthen competition and foster investment in telecom infrastructures, the WB supported the regulatory authority ARCEP in streamlining the regulatory process through a Development Policy Financing (Second Fiscal Management and Structural Transformation Development Policy Financing DPF, P172749). The ARCEP passed a Decision in 2020 that streamlined the process to allow for the deployment of a fibre optic network.

The scope for technology adoption remains significant and Benin needs to overcome its spatial and gender gaps. Benin has still not reached its full potential due to affordability issues (especially for fixed broadband), limited broadband adoption, skills and literacy gaps, and limited access to reliable power.⁹ While the network coverage of mobile operators is significant for 3G/4G, there remains acute spatial and gender gaps. Based on a 2023 Gallup survey¹⁰, the digital gender gap is moderate for mobile telephony access with 81% of male respondents stating that they own a mobile phone to make phone calls, against 68% of female respondents. The spatial gap is minimal, with 76% of urban respondents owning a mobile phone against 74% of rural respondents. However, the digital gap dramatically increases regarding the access to Internet: there are nearly twice more

⁸ Despite the introduction of new entrants in the fixed broadband market, SBIN remains the dominant operator. There are also some ongoing discussions on whether mobile operators active in Benin are allowed to apply for a fixed broadband authorization.

⁹ In Benin the electrification rate is 42% in 2023, compared to 51% for Sub-Saharan Africa (World Development Indicators, 2023).

¹⁰ Gallup World Survey (2023).

men than women that have access to Internet (41% against 22%), a proportion similar to the urban/rural Internet gaps (52% of urban respondents have access to Internet, compared to 27% rural respondents). The figures are summarised in Figure 5.

Figure 5. Digital gender and spatial gaps in Benin

Benin respondents (adults)	Male	Female	Urban	Rural
Owns mobile phone to make phone calls	81%	68%	76%	74%
Has access to Internet (by any means)	41%	22%	52%	27%

Source: Gallup Survey, 2023 (survey on 1,000 adults)

Even when access to the Internet is available and adequate, a lack of digital literacy and necessary skills can still impede the ability to participate in digital trade. While the digital economy in Benin is growing rapidly, significant challenges relating to digital literacy and skills remain. The education system struggles with integrating digital skills training. Most schools lack ICT infrastructure, and digital skills training is often theoretical, without practical application. Large businesses are three times more likely to have their own website compared to small and medium-sized enterprises. More than half of the companies with a website are based in the Cotonou region, while the figure in other regions is less than 10%.¹¹

Benin has made notable progress in strengthening its digital trade infrastructure through the establishment of key digital institutions. Since 2016, the government has focused on modernizing the public administration with digital technologies, leading to the creation of the Ministry of Digital Economy and Communication and the Agency for Information and Digital Systems. The national e-services portal now offers information on 560 public services and allows 132 online service requests. However, further investments are needed to improve the human capital index. A recent survey shows that 76% of respondents are aware of digital public services, and 67% have used them at least once. Yet, 56% still prefer in-person requests, especially for civil status and citizenship services. Recommendations include continuing investments in digital infrastructure, focusing on women and rural areas, enhancing communication about digitally-enabled services, improving accessibility, and expanding local digital points of presence to assist vulnerable groups.¹²

2.2 Participation in digital trade

The measurement of digital trade is challenging. Measuring the exact participation of any economy in digital trade is complicated by the lack of internally comparable statistics for digitally ordered trade (see Box 2). However, the WTO provides estimates for digitally delivered services trade¹³, which allow for an assessment of Beninese participation in this segment of digital trade.

¹¹ World Bank, Benin Economic Governance for Service Delivery Program for Results (P176763).

¹² Program INCLUDE, Digitalization of public services in Benin: challenges and opportunities (2022).

¹³ Digitally delivered services include other business services, computer services, financial services, charges for the use of intellectual property not included elsewhere, insurance and pension services, telecommunications services, personal, cultural and recreational services, and information services.

Box 2. Digital trade and electronic commerce – Fundamental concepts and statistical definitions

Over the years, different concepts and definitions relating to e-commerce and digital trade have been developed and used in international fora. The IMF/OECD/UNCTAD/WTO (2023) *Handbook on Measuring Digital Trade* clarifies the linkages between these concepts by providing a statistical definition of digital trade. It defines digital trade as “all international trade that is digitally ordered and/or digitally delivered.”

Digitally ordered trade covers transactions in both goods and services conducted over computer networks by methods “specifically designed for the purpose of receiving or placing orders.” These would include ordering a pair of shoes from abroad through a retailer’s website or booking a hotel room in another country through a digital intermediation platform. Digitally delivered trade, on the other hand, is defined in the Handbook as covering only services trade, which may take place via email, voice and video calls, apps and intermediation platforms. Examples range from computer services to medical transcriptions; from banking services to remote learning platforms.

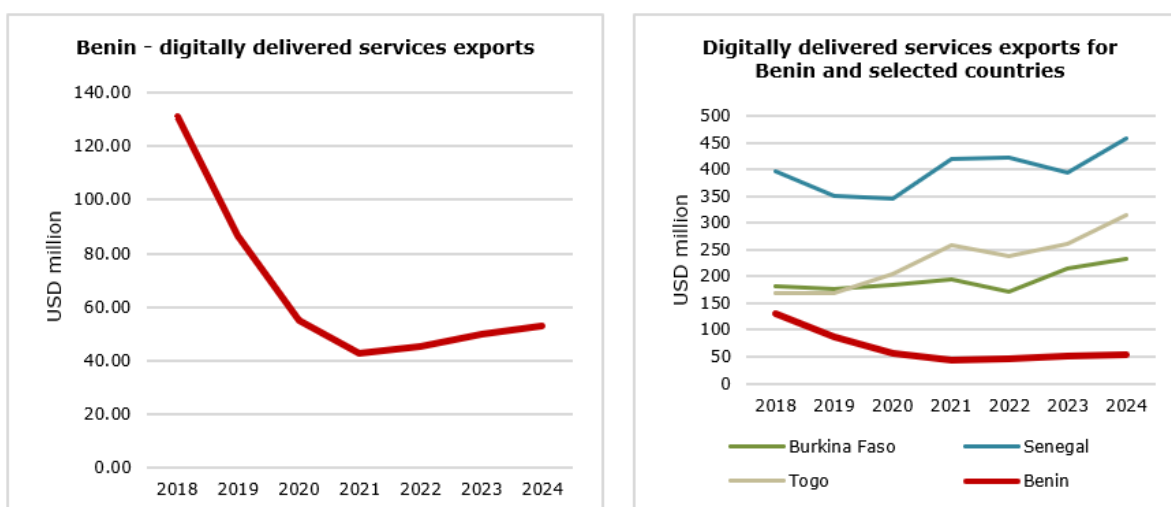
Official data for digitally ordered trade are sparse and not comparable across economies. Statistics on online sales do not typically distinguish between domestic and international trade. However, WTO estimates on exports of digitally delivered services provide a measure of digitally delivered trade (WTO 2023) and a picture, albeit partial, of digital trade.

The definition of digital trade in the Handbook is compatible with the WTO definition of electronic commerce agreed under the Work Programme on Electronic Commerce, which refers to “the production, distribution, marketing, sale or delivery of goods and services by electronic means”.

Source: Adapted from Box B.1. of IMF/OECD/UNCTAD/World Bank/WTO (2023).

Benin’s participation in exports of digitally delivered services has been on a downward trend since 2018 but has recovered in recent years. After an initial dip from 2018 to 2021, exports have steadily trended upwards. Benin’s export performance has trailed that of its regional peers since 2018 (see Figure 6a), although this may be partly explained by issues relating to the methodology used for data collection. When considering the composition of exports (see Figures 6b and 6c), it becomes clear that the major driver for the trend stems from the significant drop in financial services exports from 2019 to 2021. Since 2021, however, all sectors have exhibited steady export growth. Moreover, the composition of Beninese digitally delivered service exports reveals that financial services, insurance and pension services and other business services accounted for almost 70% of Benin’s total exports of digitally delivered services in 2024.

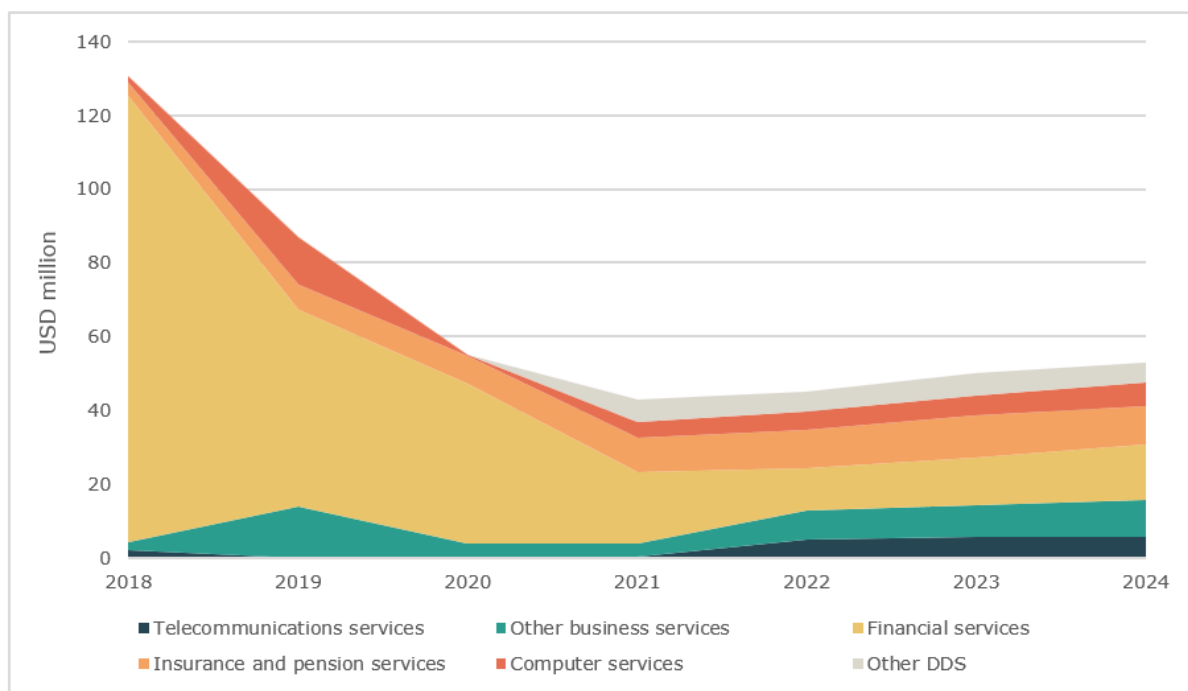
Figure 6a. Benin’s digitally delivered services exports in a comparative perspective, 2018-2024



Note: Comparator countries have been selected based on their membership in the Economic Community of West African States (ECOWAS) and West African Economic and Monetary Union (WAEMU).

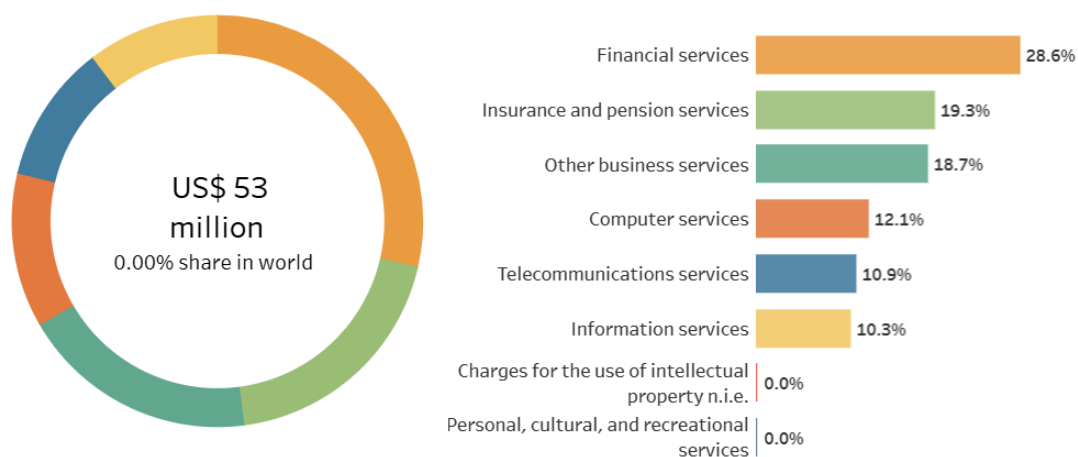
Source: [WTO | Statistics - Global Services Trade Data Hub](#).

Figure 6b. Breakdown of Benin's digitally delivered services exports, 2018-2024



Source: [WTO | Statistics - Global Services Trade Data Hub](#).

Figure 6c. Structure of Benin's digitally delivered services exports, 2024

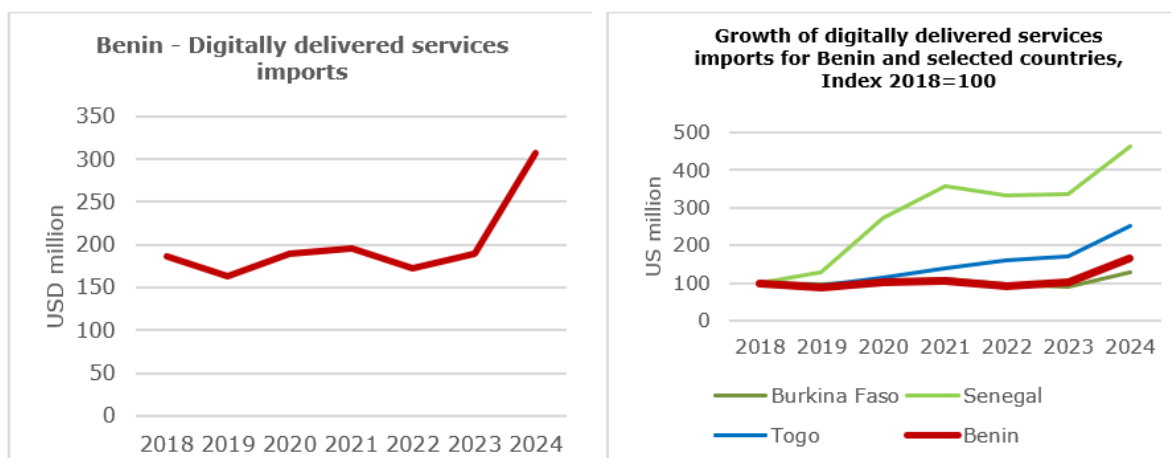


Source: [WTO | Statistics - Global Services Trade Data Hub](#).

Many digitally delivered services are key inputs for overall economic activity. Importing these services provides an avenue for domestic firms to access greater choice, higher-quality and lower priced inputs, thus strengthening their competitiveness and enhancing their overall digital trade performance.

Benin witnessed an upward trend in digitally delivered services imports. From 2018 to 2024, Benin's imports of digitally delivered services have risen from nearly USD 185 million to around USD 308 million (see Figure 7a), on a trend that is quite similar to that of several regional peers. The increase in imports was driven mainly by 'other digitally delivered services', followed by other business services, and computer services. In 2024, information, computer and other business services made up over 80% of all digitally imported services in Benin (see Figures 7b and 7c).

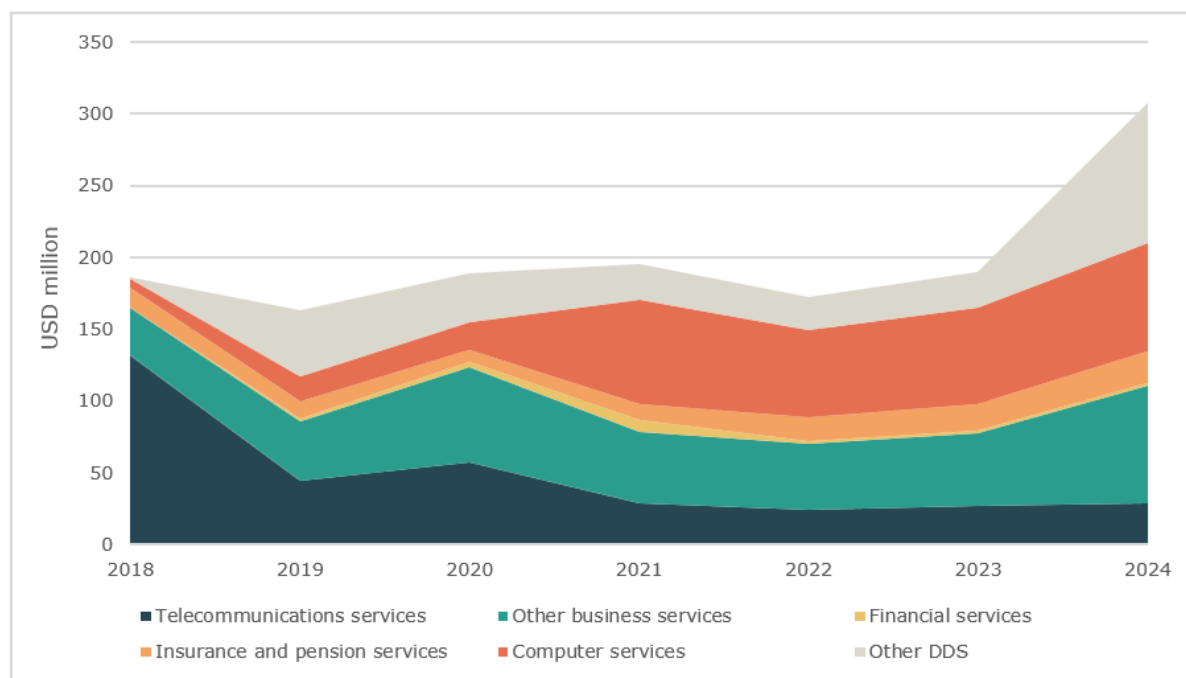
Figure 7a. Benin's digitally delivered services imports from a comparative perspective, 2018-2024



Note: Comparator countries have been selected based on their membership in ECOWAS and WAEMU.

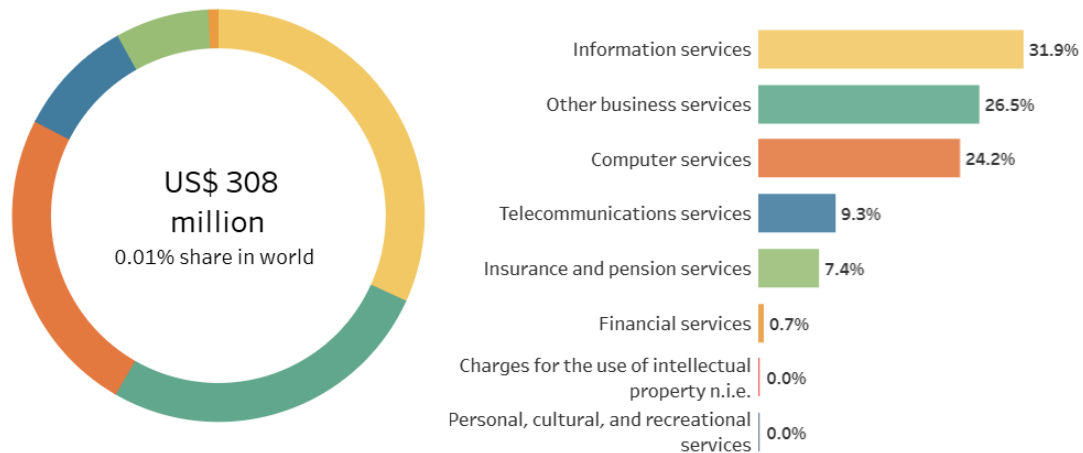
Source: [WTO | Statistics - Global Services Trade Data Hub](https://www.wto.org/press/2024/01/24-01-2024-services-trade.htm).

Figure 7b. Breakdown of Benin's digitally delivered services imports, 2018-2024



Source: [WTO | Statistics - Global Services Trade Data Hub](https://www.wto.org/press/2024/01/24-01-2024-services-trade.htm)

Figure 7c. Structure of Benin's digitally delivered services imports, 2024



Source: [WTO | Statistics - Global Services Trade Data Hub](#)

3 GENERAL POLICY FRAMEWORK RELEVANT FOR DIGITAL TRADE

3.1 Trade agreements

Trade agreements foster predictability by providing an opportunity to anchor enabling policies and guarantee market opening for digital trade. This section presents Benin's participation in trade agreements and negotiations, both at the WTO and in regional contexts, in terms of the main obligations and commitments of relevance to digital trade.

3.1.1 Benin's participation in relevant WTO agreements and negotiations

Existing WTO rules and commitments apply to digital trade and additional ones are being developed by groups of WTO Members. In fact, WTO agreements do not distinguish between the different technological means through which goods or services may be traded. Several of Benin's commitments at the WTO, as well as its engagement in relevant discussions, are therefore significant factors in shaping its digital trade ecosystem.

Benin has ratified the WTO's Trade Facilitation Agreement (TFA), which expedites the movement, release and clearance of goods across borders. This faster border passage facilitates digitally ordered trade in goods, which involves goods that are marketed, purchased and/or paid for online but then delivered across borders physically. By simplifying and harmonizing international trade procedures, the TFA reduces red tape and improves the speed and efficiency of customs processes, to the specific benefit of digital trade activities that rely on quick delivery.¹⁴

However, the country has chosen not to eliminate tariffs on ICT goods that underpin the physical infrastructure of digital trade. The WTO's Information Technology Agreement (ITA)¹⁵ has abolished tariffs on a wide range of goods, including computers, telecommunications equipment and semiconductors that are critical components of the physical infrastructure which make digital trade possible. By reducing the cost of ICT goods, the ITA has the capacity to promote greater accessibility and adoption of technology worldwide. However, Benin does not participate in the ITA, and on key ITA products, like computers and smartphones, it has bound its tariffs at 5 and 7%, respectively in its General Agreement on Tariffs and Trade (GATT) schedules.

¹⁴ Benin ratified the TFA in March 2018 and committed to a phased implementation of various trade facilitation measures. It has achieved full implementation by December 2021 (see [Benin | TFAD - Trade Facilitation Agreement Database \(tfadatabase.org\)](#)).

¹⁵ Eighty-two economies participate in the ITA, and a further 50 Members have agreed to expand the agreement (see https://www.wto.org/english/tratop_e/inftec_e/inftec_e.htm).

Services are another critical backbone of digital trade, and the General Agreement on Trade in Services (GATS) disciplines provide guarantees for trade in services.

Telecommunication, computer, postal and courier services, distribution, financial and transport services are some of the key sectors for supporting digital trade. A "typical" digital trade value chain would start with a consumer accessing the Internet (telecommunication service), performing an Internet search (computer services), ordering a product online (distribution and payment services). The product is then delivered either physically (through postal, courier, and freight transport services) or digitally (through telecommunication services), such as in the case of purchase of software or the streaming of a movie.

The GATS provide guarantees for trade in services. The Agreement, which applies to measures affecting trade¹⁶ in services, includes a key, generally applicable obligation that WTO Members must not discriminate between foreign services and services suppliers of different origins. Aside from this obligation, however, the main trade liberalizing disciplines of the GATS apply only in the sectors that each Member selects and to the extent set out in individual schedules of commitments.

Liberalizing trade in services has been shown to have a positive impact on digital trade.

For instance, open telecommunications markets have been found¹⁷ to result in higher penetration rates for broadband Internet, lower prices and higher-quality services, thus increasing connectivity for a larger section of the population. The WTO and the World Bank estimates that if all of Africa improved its mobile broadband connectivity to the level of South Africa, which has the continent's best mobile broadband access, this would reduce the average cost of trade by 7% in goods and 9% in business and professional services.¹⁸ Moreover, in an open regulatory environment, these trade cost reductions would be even greater, amounting to 17% and 25%, respectively.¹⁹

Binding this trade liberalization in GATS commitments has the additional advantage of guaranteeing market openness to foreign services and service suppliers.

This provides certainty and predictability of trading conditions and may help attract more investment, including in key enabling services, thus enhancing a country's ability to leverage the opportunities offered by digital trade.

Benin has undertaken GATS commitments in digital trade-enabling services limited to financial and maritime transport services.

The level of liberalization bound for these services varies but it is generally fairly limited. Benin undertakes fully open commitments mostly in the commercial presence mode of supply (mode 3). The only exception is maritime cargo-handling services, where Benin has maintained the right to reserve access for the public monopoly and undertaken no commitments with regard national treatment. Regarding cross-border supply (mode 1) and consumption abroad (mode 2), Benin undertakes no commitments for payment and money transmission services. The country also undertakes partial commitments in maritime freight services.

The country has not undertaken any GATS commitments in telecommunications and computer services.

This is a significant gap when seeking to establish an enabling framework for digital trade. Even if access conditions in the sector are, in practice, quite open (see Section 3.2), GATS commitments provide a mechanism to guarantee against potential policy reversals, which is especially valuable to foreign investors. In the absence of commitments for telecom services, Benin has also not subscribed to the pro-competitive obligations contained in the Basic Telecommunications Reference Paper in its GATS schedule.²⁰ The Reference Paper, an optional set of regulatory principles undertaken by around 105 WTO Members, addresses issues such as anti-competitive cross-subsidization, the terms of interconnection, the misuse of information, licensing criteria, transparency and other matters relevant to the prevention of abuse of dominant market positions with respect to basic telecommunication services. By promoting competitive conditions in

¹⁶ GATS defines trade as four ways (or modes) in which a service can be supplied internationally: mode 1 describes "cross-border trade" (e.g. through the Internet); mode 2 describes "consumption abroad" (e.g. through tourism); mode 3 describes "commercial presence" of an enterprise (e.g. through foreign direct investment); and mode 4 describes the "movement of natural persons" (e.g. through temporary labour mobility).

¹⁷ WBG/WTO (2023b).

¹⁸ WBG/WTO (2023a).

¹⁹ WBG/WTO (2023a).

²⁰ See https://www.wto.org/english/tratop_e/serv_e/telecom_e/tel23_e.htm.

the supply of basic telecommunication services, the adoption of the Reference Paper contributes to achieving affordable and efficient infrastructure.

Benin did not commit to open up trade in other digital trade-enabling services either. For instance, it has no GATS bindings in distribution, postal and courier, and transport services other than maritime transport. It has also not subscribed to the disciplines on “services domestic regulation” recently developed by a group of WTO Members.²¹ These disciplines are aimed at increasing transparency, predictability, and efficiency of procedures for authorization of service suppliers, including those involved in digital trade.

A group of WTO Members, including Benin, recently finalized negotiations on disciplines specifically targeted at, and aimed at facilitating, digital trade. The negotiations were launched in 2019 with the objective of developing provisions on the trade-related aspects of e-commerce that build on existing WTO rules, with the participation of as many WTO Members as possible. The outcome of this negotiation, namely the Agreement on Electronic Commerce (AEC), was circulated to all Members on 26 July 2024.²² Relevant disciplines fall under issues such as an enabling environment for digital trade (e.g. e-authentication and e-signatures, electronic contracts, electronic invoicing and paperless trading), openness (e.g. prohibition of customs duties on electronic transmissions and open government data) and trust (e.g. online consumer protection, personal data protection and cybersecurity). The AEC also provides for certain additions to the regulatory obligations of the Reference Paper on telecommunication services, and contains provisions on transparency and cooperation, as well as disciplines on development. Benin joined the negotiations in 2019 and signed up to the request of incorporating the agreement into the WTO rulebook.²³

Under the Investment Facilitation for Development (IFD) Agreement, Benin would also take on board disciplines enhancing the transparency and efficiency of investment procedures, including in key digital sectors. Benin joined in the initiative in November 2019 and is currently part of the group of WTO Members who requested the incorporation of the IFD Agreement into the WTO legal architecture. The IFD Agreement is presently endorsed by three quarters of the WTO Membership, but there is yet no consensus on its incorporation in the WTO rulebook.²⁴ The Agreement is aimed at improving investment procedures and facilitating the operations of investors in all economic sectors.²⁵ As such, the IFD Agreement could also help attract more and higher-quality investment in digital connectivity infrastructure and other sectors relevant to digital trade.

3.1.2 Benin's participation in regional trade agreements

Benin is a party to three regional trade agreements (RTAs) that have been notified to the WTO. Two are customs unions, covering goods trade only, i.e., the West African Economic and Monetary Union (WAEMU) and the Economic Community of West African States (ECOWAS).²⁶ Under these two RTAs, the importation of some key ITA products, like computers and smartphones, from other member states of WAEMU and ECOWAS is tariff-free.

The country is also party to the Agreement Establishing the African Continental Free Trade Area (AfCFTA) but its impact on digital trade may remain modest unless external tariffs on IT goods are significantly reduced. The AfCFTA includes the Protocol on Trade in Goods, the Protocol on Trade in Services and the Protocol on Digital Trade. The goods Protocol on Goods has the capacity to further open trade in ITA goods on the continent; however, according to the IFC's analysis²⁷, this impact will likely be very modest unless external tariffs on IT goods are significantly

²¹ The disciplines have been adopted by more than 70 WTO governments so far (see [WTO | 2024 News items - New disciplines on regulation of services trade enter into force for four more members](#)).

²² See WTO document [INF/ECOM/87](#).

²³ WTO Members that are party to the Agreement on Electronic Commerce requested its incorporation into Annex 4 of the WTO Agreement as a plurilateral agreement in February 2025 (see WTO document [WT/GC/W/963](#)), but consensus on this has not been reached yet.

²⁴ The IFD Agreement was finalized in February 2024, and its current number of participants stands at 127 WTO Members (see WTO document [WT/GC/W/927/Rev.3](#)). The Agreement had not been formally incorporated into Annex 4 of the WTO Agreement as a plurilateral agreement at the time of writing.

²⁵ See WTO document [INF/IFD/W/55](#).

²⁶ Note that all WAEMU member states are also ECOWAS member states.

²⁷ IFC (2022)

reduced, as these remain a key obstacle to increasing digital trade competitiveness across Africa. Similarly, the Protocol on Trade in Services could lead to further opening of services trade in sectors that are of importance for enabling digital trade, including communication, financial and transport services, which remain priority areas in the ongoing AfCFTA negotiations. Once it is ratified and enters into force, the Protocol on Digital Trade will also take the continent closer to its goal of ultimately establishing a digital single market.

3.2 Applied trade policy regime

Actual trading conditions in Benin tend to be more liberal than the bindings and commitments undertaken under trade agreements, particularly at the WTO. This section outlines the trade policy conditions prevailing on the ground. Although generally more open, the access conditions provided in some of the sectors are not guaranteed by WTO bindings and therefore, offer no predictability against trade-restrictive policy reversals. This does not provide the stability and positive impact on trade that international commitments mirroring status quo trade regimes have been found to provide.

At the same time, Benin's applied tariff regime for important information technology goods covered by the Information Technology Agreement (ITA) shows room for improvement. While the country has not made tariff reduction commitments on ICT goods under the ITA, its applied tariff regime entails duties between 5 and 10% on key ITA products, like computers and smartphones.

The country's applied policies in digital trade enabling services are significantly more open than the commitments undertaken in their GATS schedule. For instance, although Benin undertakes no commitments for telecommunications, computer, distribution, and road freight transport services, foreign suppliers are nevertheless allowed, under certain conditions, to enter the market to supply these services – either on a cross-border basis or by setting up a commercial presence – as per the applied laws and regulations. For telecommunications and road transport services, in particular, mode 3 is open with no restrictions on foreign capital participation, forms of establishment, or on the number of suppliers that may establish in Benin. However, other regulatory measures of a horizontal nature may impact the supply of these services, such as restrictions on the cross-border transfer of data or the absence of a requirement for the regulator to publish draft measures in advance.

The World Bank–WTO STRI provides a synthetic measurement of the restrictiveness of an economy's services trade regime.²⁸ The STRI ranges from 0, for a completely open regime, to 100 for a totally closed one. It covers measures identified as trade barriers under the GATS (i.e. mainly quota-like restrictions and discriminatory measures) as well as other measures that may hinder trade in services (e.g. absence of good regulatory practices or recognition of qualifications, or lack of competition policy).²⁹

Benin's STRIs in digital trade enabling services sectors show a fairly open applied policy regime compared to the rest of Africa. In telecommunications services, the applied trade regime in Benin is appreciably more open than that of its continental peers – this is true for both fixed-line and mobile telecommunications services, wherein Benin ranks among the most open African economies.³⁰ The same is also true for distribution and road transport services.³¹ In contrast, Benin's applied trade regime in commercial banking and computer services aligns closely with the average African regime.³² Maritime freight transport is the only sector in which Benin's applied trade regime is more restrictive than the continental average.³³

4 WORLD BANK'S ASSESSMENT OF THE DIGITAL TRADE-SPECIFIC REGULATORY FRAMEWORK

A comprehensive and modern digital regulatory framework is essential for supporting digital trade. Regulation plays at least three critical roles for digital transactions. It provides the

²⁸ See [WB-WTO | I-TIP Services](#)

²⁹ See <https://itip-services-worldbank.wto.org/docs/WB-WTO%20STRI%20Methodology.pdf>.

³⁰ See Figures A1 and A2 in Annex 2.

³¹ See Figures A4, A5, and A8 in Annex 2.

³² See Figures A3 and A6 in Annex 2.

³³ See Figure A7 in Annex 2.

legal tools needed for concluding valid and enforceable electronic contracts, such as rules giving effect to the electronic authentication of documents and e-signatures. Frameworks for personal data protection, online consumer protection and cybersecurity offer safeguards that enhance trust in digital markets. Finally, regulations on the legal liability of platforms for unlawful or harmful content and rules on the international transfers of data set out basic rules that support a transparent and predictable framework for digital markets. "

Regulation can also introduce unwarranted limitations to digital trade. For instance, unnecessarily restrictive or overly cumbersome requirements for cross-border data transfers limit access to certain digitally delivered services. Limitations on the types of products offered online may be warranted by public policy goals (e.g. restrictions on guns or controlled substances) or may add costs and inefficiencies by segmenting markets (e.g. requiring the use of domestic cloud services). The central challenge for policymakers and regulators is hence to adopt balanced frameworks that minimize restrictions to digital trade while offering a comprehensive framework for digital transactions and sound safeguards for users. By requiring that measures taken in pursuit of public policy objectives not be more trade restrictive than necessary, trade agreements provide useful benchmarks on where to draw this frontier.

Figure 8. World Bank's Digital Trade Policy Gap Analysis

		Benin
Critical		
Electronic signatures		2
Electronic contracts		4
Cybersecurity		3
Personal information/data protection		3
Cross-border data/information flows		2
Location of computing facilities		5
Intermediary Liability		2
High		
Electronic transactions frameworks		1
Electronic authentication		1
Single Windows		3
Access to and Use of the Internet		2
Online consumer protection		2
Telecomm services – Reference Paper		2
Moderate		
Electronic invoicing		1
Paperless trading		3
Open government data		1
Indirect effect		
Unsolicited commercial electronic messages (spam)		1
Cooperation and cooperation mechanisms		n/d
Transparency		n/d

1	No regulation or heavy regulatory restrictions in place.
2	Minimal and inadequate regulation or burdensome restrictions in place.
3	Partial regulatory framework in place. Substantial gaps remain.
4	Broad and adequate regulation in place. Meaningful gaps remain.
5	Comprehensive and modern regulatory framework. Minor improvements may be considered

Highlighted Bold sections indicate suggested policy areas for priority action.

In the following, the report offers a brief assessment by the World Bank of Benin's main policies and regulations specific to digital trade. The report reviews the country's regulations on a series of policies commonly covered in international negotiations and agreements on digital trade, such as the Agreement on Electronic Commerce negotiated by a group of WTO Members, the AfCFTA Digital Trade Protocol and other bilateral or regional agreements. The list is indicative. Any one agreement may not include all these policy areas, or may include some additional ones not

mentioned here, but they provide a useful reference of the key topics specifically relevant to digital trade. The analysis evaluates the country's policies and regulations in light of the best regulatory practices in each of these areas.

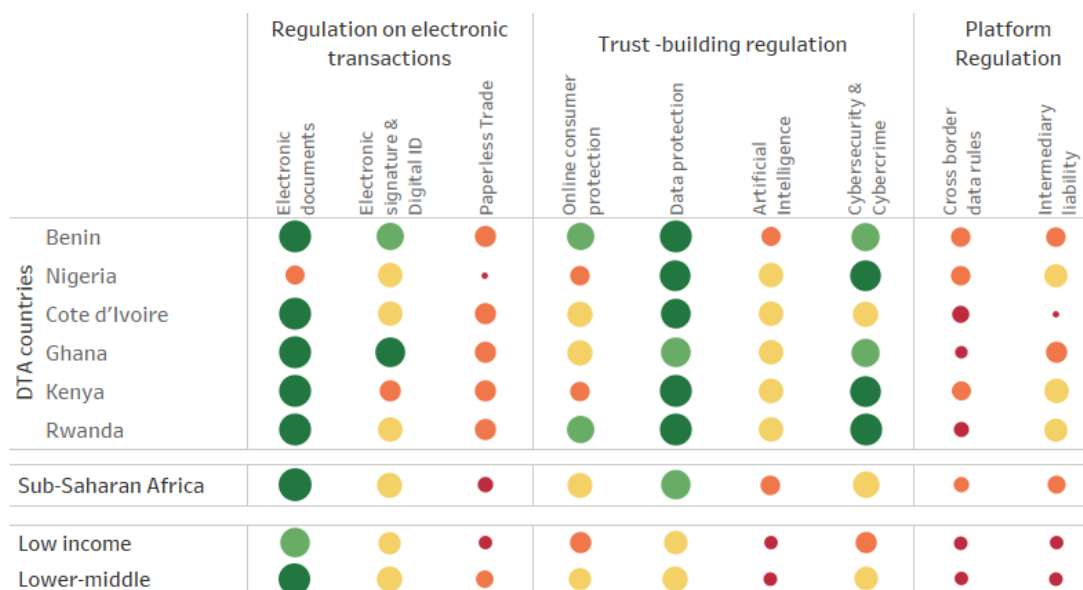
Despite its forward-looking policies, Benin's policy and regulatory framework specific to digital trade features unduly restrictive regulations and significant regulatory gaps (see Figure 8). Based on a review of Beninese regulations, the World Bank's Digital Trade Policy Gap Analysis assesses different policy areas and practices against requirements or standards reflected in trade agreements.³⁴ Benin presents major gaps with regard to some of the most critical policies for digital trade. These challenges include major limitations to cross-border data transfers, the lack of fundamental rules on intermediary liability, a limited and outdated framework for online consumer protection, and a partial framework for the use of electronic documents and e-signature, including for customs procedures.

In general, Benin exhibits varying levels of readiness in different aspects of digital trade regulation. The country has a strong regulatory framework in areas such as data protection but needs significant improvements in others, particularly in online consumer protection, paperless trade and cross-border data transfer rules. This comparison highlights the areas where Benin can focus its efforts to enhance its digital trade ecosystem and align more closely with leading regional examples. Figure 9 further compares the "readiness" of some of these policies in Benin with regional partners and with relevant averages.

- A modern framework for electronic transactions provides the legal tools for concluding electronic contracts as well as for the digitalization of trade procedures. Benin has made some progress in regulating electronic documents, but substantial work remains to be done in the areas of electronic signatures, digital ID and paperless trade.
- Trust-building regulation is a critical area to foster confidence in digital trade. Benin has recently adopted a strong data protection regulation – a welcome development across various countries in the continent, indicating a widespread recognition of the importance of data protection. However, the implementation of data safeguards has been partial, focusing on licensing of data firms and paying limited attention to building users' trust. For online consumer protection, Benin and some neighbouring countries show moderate and poor regulatory "readiness", indicating a need for more robust rules to protect digital market consumers.
- Platform regulation is an area where Benin shows gaps. For cross-border data rules, Benin shows significant deficiencies. This challenge is common across the board, with all compared countries showing limited progress on this area. In terms of intermediary liability, Benin features basic regulations in place – not unusual for Sub-Saharan countries or low-income countries. In the region, only Nigeria and Senegal have some regulatory measures in place, albeit not comprehensive.

³⁴ The Gap analysis roughly classifies policies based on the degree of their likely effect on digital trade ("critical", "high", "moderate", and "indirect effect") taking into account the policies' scope (whether they apply across the board or to only a form of digital trade) and the nature of the regulation at hand (whether the regulation features a necessary regulatory tool, a restriction to digital trade, or a beneficial-but-not-essential solution). As a result, policies that apply to a broad gamut of trade in goods and services and have a potential to effectively limit or boost it (such as policies on cross-border data flows and measures to facilitate cross-border transactions) are ranked the highest; measures that affect only certain types of digital trade (such as paperless customs procedures that are only relevant to trade in goods), are ranked lower; and policies that don't necessarily have a direct and attributable impact on trade (such as transparency and cooperation) and/or are likely to affect only a limited subsector of digital trade are given the lowest prioritization.

Figure 9. World Bank’s digital trade regulatory “readiness” in Benin and the region.



Note: Bubbles size and color represent the regulatory “readiness” in each category of the country or grouping concerned, based on the share (in quintiles) of positive answers in that category from 0 to 100%.

Source: World Bank DTRR database (forthcoming 2025)

4.1 Data governance

Robust data protection safeguards are essential to build trust in and promote the growth of digital markets. Users are increasingly conscious of the implications of unrestricted access to personal data. Lack of trust in data management discourages users from engaging in electronic transactions, limiting the growth of digital markets.³⁵ On the contrary, safeguards on when and how firms may collect, process and share personal data help users feel safe and secure when providing their personal information, knowing that its use and sharing will be limited to necessary purposes.

Strong and consistent data protection regulations are crucial for digital trade, particularly in services. Some studies suggest that robust safeguards for personal data protection are associated with greater trade in digitally delivered services.³⁶ This trend is influenced by two factors: consumers feel safer transacting with vendors who are required to offer greater assurances about the use and sharing of their personal information, and countries are increasingly requiring comparable data protection measures to allow data sharing, incentivizing trade with countries that have similar data protection regimes.

Benin has established strong data protection regulations. The Digital Code³⁷ lays out the framework on data protection, which covers fundamental aspects effectively, such as the legal basis for data collection and processing, users’ rights to access their own personal data, and having it rectified or deleted. Despite data protection rules having advanced substantially across Sub-Saharan Africa, Benin’s safeguards are amongst the most comprehensive in the region, featuring less common provisions like special safeguards for sensitive data like biometric information, the ability to withdraw consent, and data portability (see Figure 10).

³⁵ WDR (2021)

³⁶ WDR (2021), van der Marel and Ferracane (2021).

³⁷ Benin Digital Code of 2017, Data Protection Law

Figure 10. Data protection rules

		Data protection												32. Legal basis for data collection and processing:				38. Data subject may request data erasure if:			
		29. General personal data protection law explicitly addr..	30. Special rules for the treatment of sensitive person..	31. Special rules for the treatment of biometric data	33. The data controller must only collect data for specified ..	34. Once data are collected, they must not be further proc..	35. The data controller must only process information that..	36. Data subject's right to electronic data access	37. Data subject's right to electronic data rectification	39. Data subject may withdraw consent under certain circum..	40. Data subject's right to demand that their personal d..	41. Rules for sharing personal data with third parties	42. Legally mandated government agency whose m..	32a. -Consent by data subject	32b. -Performance of a contract to which the custom..	32c. -Compliance with a legal obligation to which the contro..	32d. -Legitimate interests pursued by the controller or b..	38a. -No longer needed for the original purpose	38b. -No other legal ground for processing	38c. -Processing was against the law in the first place	
DTA countries	Benin	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Ghana	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Cote d'Ivoire	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Kenya	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Nigeria	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Rwanda	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Sub-Saharan Africa		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Lower-middle		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Low income		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	

Note: For individual countries, bubbles indicate the existence of such regulatory measure. Green represents positive regulatory measures. Red indicates regulatory restrictions to digital trade.

Source: World Bank DTRR database (forthcoming 2025)

Benin has also made progress addressing cybersecurity and cybercrime regulation. The Digital Code addresses risks from crime, and armed conflicts that threaten networks, devices and data. It also includes a national cybersecurity strategy further strengthening the digital infrastructure by outlining measures to protect against cyber threats. This strategy includes creating a national cybersecurity agency, implementing rigorous cybersecurity standards and protocols, and establishing the Computer Emergency Response Team (CERT) to address various cybersecurity challenges.

At the same time, the Digital Code of 2017 introduces major restrictions to digital trade requiring case-by-case prior government authorization for cross-border transfers of personal data.³⁸ Unlike most countries in the region, Benin does not explicitly require the use of local facilities for the storage or processing of digital information. However, the Digital Code of 2017 (Art. 391) mandates that any transfers of personal data to any non-ECOWAS countries must be previously approved by the Beninese Data Protection Authority. The process of obtaining mandatory government authorization on a case-by-case basis increases uncertainty and introduces hefty costs for digital businesses that rely on cross-border transfers of information –often translating in a *de facto* requirement to store and process data domestically. It also allows for great discretion by the authorities in approving data transfers, potentially increasing bureaucratic red tape and rent-seeking opportunities. In light of these challenges, the mandatory government pre-approval requirement is considered amongst the most restrictive frameworks for cross-border data transfer, dubbed as a “limited transfers” model in previous literature (World Bank 2021a). This mechanism hinders international trade and domestic digital activities alike, as authorization would typically be necessary for domestic operations seeking to benefit from cloud services to provide services abroad. More flexible mechanism exists that allow for seamless data transfers while ensuring the safety of the data.

³⁸ Digital Code Article 391

Figure 11. Rules on cross-border data flow

Cross-border data regime											Cross-border data limitations																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
		57. Explicit framework on cross-border data transfers	58. Data protection in cross-border data transfers..	59a. -Data controller on its own terms—with no specific..	59b. -Data controller based on statutory requirements.	59c. -Government agency	60. Alternatives to for adequacy include:					61. Personal data is explicitly allowed to transfer across border based ..	Non-personal data	62. Required for cross-border data transfers:	63. Data localization requirements																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
							60a. -Agreement between governments, DPAs, or other..	60b. -Intra-group transfers based on binding corporate ..	60c. -Use of government approved contractual claus..	60d. -Accountability requirement, where domest..	60e. -Ad hoc approval by government agency				61a. -Data subject's approval alone is sufficient	61b. -Additional government approval is required	64. Explicit framework on non-personal data cross-bor..	65. Explicit rules on portability of non-personal ..	62a. -Government pre-approval	62b. -Notification of transfer without author ..	62c. -Submission of security assessment	General data localization	Personal Data	Financial Data	Health Data	National Security	Telecoms Data																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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Note: For individual countries, bubbles' size and color indicate the existence of such regulatory measure. Green represents positive regulatory measures. Red indicates regulatory restrictions to digital trade.

Source: World Bank DTRR database (forthcoming 2025)

These data flow regulations can slow or hinder digital trade in services, in particular, and limit access to international digital markets. Regulatory restrictions on the cross-border movement of data lead to reduced imports of data-intensive services for the countries implementing such policies, resulting in lower levels of digital trade³⁹ (see Figure 11). In contrast, neighbouring countries such as Senegal and Nigeria allow data transfers to nations with similar data protection standards without additional authorization. Other countries such as Ghana have no specific cross-border data transfer rules and rely on general data protection principles.

4.2 Online consumer protection safeguards

Consumer protection regulation is key to fostering trust and strengthening digital markets which are still developing. The main reason people avoid online purchases, especially internationally, is the lack of trust in remote electronic transactions.⁴⁰ Without face-to-face interaction, consumers may not be able to assess the properties of the goods and miss visual cues such as location and facilities that help assess a vendor's professionalism. In the digital environment, consumers must share sensitive information, such as home addresses or banking details with retailers, online intermediaries or digital platforms. This lack of trust in the security of cross-border online transactions and lack of the availability of remedies when problems occur is a major limiting factor in both developed and developing economies.⁴¹

Rules on online consumer protection are essential to address information asymmetries between vendors and consumers in online transactions. Distance shopping poses challenges, such as the inability to physically inspect products before purchase. Online consumer protection laws aim to provide protection comparable to that in offline commerce.⁴² These laws build on traditional consumer protection principles and adapt them to digital markets, mitigating the challenges of online transactions.⁴³

Consumer protection rules also play an important role in international digital trade, especially for developing countries. As digital markets are still in their infancy, lack of trust in remote electronic transactions remains the top reason for not engaging in online purchases (CIGI-Ipsos Global Survey on the Internet, 2017 and 2019). While often designed for domestic markets, consumer protection rules are particularly important for digital trade, especially for digitally ordered goods, as trust in international orders of goods is typically lower. Online consumer protection

³⁹ Ferracane and Van Der Marel (2021a).

⁴⁰ See <https://www.ipsos.com/en/2019-cigi-ipsos-global-survey-Internet-security-and-trust>.

⁴¹ World Economic Forum (2019).

⁴² UNCTAD (2017).

⁴³ OECD (2000).

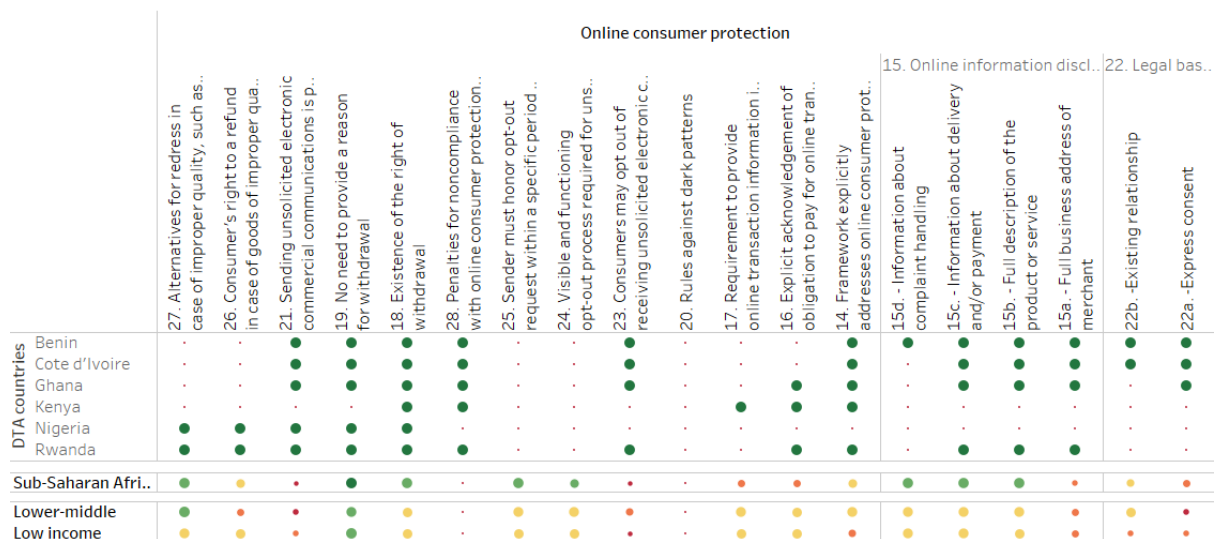
regulations can help bridging these trust gaps by ensuring that cancellation and return policies, including internationally, are adequately set up and rules are clearly set out. In addition, requiring the establishment of online dispute resolution mechanisms also offers an important channel for boosting consumer confidence, especially when it allows the consumer to bring a claim directly to its national consumer protection agencies (Chung and Yu, 2021).

Lack of trust in remote transactions is limiting digital markets development in Benin. Beninese businesses view the lack of consumer trust in online platforms and apps as a major barrier to the growth of digital trade. Some e-commerce platforms seek to address this challenge through their own intervention, like trainings and awareness campaigns, but an official consumer protection policy recognizes consumer's rights and ensures a minimum level of good business practices, contributing to an enabling environment.

Consumer protection regulation in Benin lacks key disciplines for online digital transactions. The current framework for online consumer protection in Benin builds on the Digital Code of 2017. However, this framework does not comprehensively address the challenges of digital markets, in particular regarding information for online consumers and means to remedy for failed transactions.

Benin has partially implemented measures to prevent deceptive commercial activities. Figure 12 portrays consumer protection regulations in Benin, in the neighbouring countries and the peer-countries' average. Benin has implemented some important protections for online transactions, such as the ability to cancel a transaction without an explicit reason, as well as some information disclosure requirements, but lags in addressing critical areas such as a consumer's right to refund in case of goods of improper quality and alternative redress mechanisms.

Figure 12. Rules on online consumer protection



Note: For individual countries, bubbles' size and color indicate the existence of such regulatory measure. Green represents positive regulatory measures. Red indicates regulatory restrictions to digital trade. For regional and income groups, bubbles represent the regulatory "readiness" in each category, based on the share (in quintiles) of positive answers in that category from 0 to 100.

Source: World Bank DTRR database (forthcoming 2025)

Benin also lacks a clear institution responsible for developing consumer protection and market surveillance policies. Although a legal and regulatory framework for traditional and electronic commerce has been in place since 2017, it is not rigorously enforced, mirroring the situation in many other countries in the region. The failure to implement consumer protection policies leads to a poorly structured and visible framework for consumer protection in online commerce.⁴⁴

⁴⁴ UNCTAD, 2021

4.3 Regulation of electronic transactions

With the surge in electronic transactions, the need for electronic authentication methods and substitutes to handwritten signatures has become increasingly important. E-documents and e-signature laws are essential as they provide legal recognition for electronic transactions, thereby removing obstacles and facilitating their broader adoption and use. The primary global legal framework for electronic transactions is the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce, established in 1996, and incorporated into the legislation of over 170 jurisdictions.⁴⁵ Benin, however, has not incorporated the Model Law into its legislation. The UNCITRAL Model Law aims to harmonize international commercial law, thereby reducing trade costs and improving interoperability. The Model Law offers guidelines for states and jurisdictions to adopt domestic legislation that facilitates electronic commerce, allowing them to tailor the content to fit their specific legal contexts.

Ensuring legal equivalence for electronic tools like e-contracts, e-evidence, e-signatures and e-communications is crucial for treating digital transactions the same as traditional paper-based ones. Transactions with final consumers, such as those on distribution platforms like Amazon.com or Jumia.com, and app-based services like Airbnb, do not typically entail major documentation exchanges and can be concluded even without a specific regulatory framework for electronic transactions. However, for business-to-business transactions that entail customization of goods and services provided over time, such as those that allow suppliers to connect to global value chains or that require peripatetic delivery over extended periods, the ability to conclude or amend contracts across borders in a secure and reliable way is essential to reduce costs and expedite business processes. The legal recognition of e-documents and e-signature and their equivalence with paper documents helps reduce legal uncertainties and risks related to international transactions, facilitating cross-border contracts.

A foundational digital ID system can further support the e-transaction ecosystem, as it facilitates the verification of individuals' identities, ensuring secure and reliable authentication. This system enhances access to e-government services and supports the implementation of e-commerce regulations, such as the legal recognition of e-signatures and electronic tools. Foundational digital ID systems play a key role in verifying legal identities in the digital realm, enabling broader access to rights and services, fostering societal and economic inclusion, and improving interactions with public and private entities. Additionally, robust digital ID systems reduce transaction costs, build trust among stakeholders, and mitigate fraud and identity theft risks.⁴⁶ Developing reliable digital ID systems, however, is complex and requires careful consideration of privacy, security and cybersecurity concerns, demanding a comprehensive approach.

The Beninese legal framework provides for the validity of electronic contracts, but their implementation remains incomplete. Benin has established a legal framework to support electronic transactions by implementing the Digital Code of 2017. However, there is no designated legal entity responsible for overseeing electronic authentication, or systems in place to verify the validity of e-signatures, causing uncertainty regarding their equivalence to traditional paper contracts. While electronic documents are now common, paper documents are still used in some situations, making it essential to recognize both as legally equivalent. Similarly, the mechanism for recognizing foreign e-signatures is unclear, leading to practical challenges in their application. Electronic invoicing is another area with significant gaps, as the law lacks provisions for its recognition and use in business transactions.⁴⁷

Although foreign e-signatures can be recognized, the practical mechanisms for their use are not operational. This limitation, along with ambiguous regulatory and licensing frameworks for trust services providers, hampers the effective implementation and utilization of electronic authentication and signatures. Figure 13 shows that "electronic signatures" (the simplest and less secure way of signing, such as the person's name at the bottom of an email) are not legally recognized as valid signatures in Benin, however, certificates issued by qualified certification

⁴⁵ See

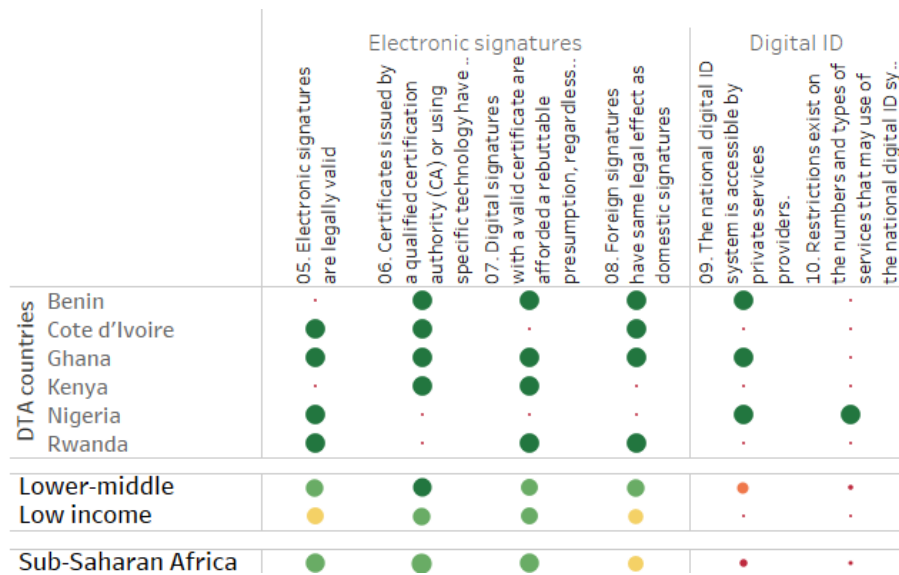
<https://uncitral.un.org/en/texts/ecommerce#:~:text=The%20most%20widely%20enacted%20text,principles%20of%20non%2Ddiscrimination%20against>.

⁴⁶ World Bank (2018).

⁴⁷ Pichler and Tomić (2019).

authorities are accepted. Digital signatures with a valid certificate have the same legal effect as handwritten signatures. This is consistent across countries like Côte d'Ivoire, Ghana and Kenya.

Figure 13. Electronic signature and digital identification



Note: For individual countries, bubbles' size and color indicate the existence of such regulatory measure. Green represents positive regulatory measures. Red indicates regulatory restrictions to digital trade. For regional and income groups, bubbles represent the regulatory "readiness" in each category, based on the share (in quintiles) of positive answers in that category from 0 to 100. 

Source: World Bank DTRR database (forthcoming 2025)

The national digital ID system in Benin is not fully regulated yet, as indicated by the absence of green dots under the relevant criteria in Figure 13. The system is important for secure and reliable identification, essential for facilitating e-transactions and accessing e-government services. The figure also highlights restrictions on the numbers and types of national digital ID systems, suggesting that while the framework exists, there might be limitations in its implementation or scope.⁴⁸

In summary, although Benin has made progress in acknowledging digital signatures and electronic contracts through its 2017 Digital Code, it still lacks crucial provisions for recognizing electronic signatures as legally valid, and poor implementation is undermining the effectiveness of these important regulations. The absence of a designated legal authority, unclear mechanisms for foreign and domestic e-signature recognition, lack of a comprehensive regulatory framework for trust services providers, and limitations in the digital ID system are significant obstacles. Addressing these issues is crucial for fully leveraging electronic transactions and enhancing the digital economy in Benin.

4.4 Intermediary liability

The Internet's ability to connect individuals worldwide has boosted business models based on intermediation between vendors and consumers. Distribution platforms like Jumia and Anka offer goods to consumers from thousands of different providers rather than their own stock. "Gig economy" apps offer services such as taxi rides, lodging, or delivery of food or groceries from firms and individuals. Other services rely on content such as video (YouTube, Vimeo), opinions and reviews of products or services (Yelp, Google), or information (blogs) developed by thousands of users, most of whom remain relatively unknown to the final consumer. The relationship between the intermediary (websites and apps) and the firms or individuals offering their own goods or services is hence essential to the functioning of those digital transactions.

Given the central role of digital platforms, clear rules on intermediary liability are essential to digital trade. Social media and online platforms are the trademark of digital markets,

⁴⁸ See WBG (2022).

whose inherent universality provide a natural environment for connecting suppliers and consumers around the world. Further, the network effects involved in digital platforms (i.e. a service becomes more valuable when more people use it) incentivize the growth of a limited number of major global providers. These providers, however, can face significant challenges in the absence of adequate, modern rules on intermediary liability. This can result in severe consequences due to user activities, even when the platforms themselves are not directly responsible. These consequences could include substantial fines, operational restrictions, or even forced shutdowns. Further, those risks disproportionately affect domestic start-ups, who may face potentially prohibitive costs in case of improper conduct by their users. By establishing balanced and transparent rules on intermediary liability, governments can foster a safer online environment for consumers while also ensuring that both dominant platforms and emerging domestic players can operate with legal certainty and fair accountability.

Rules on intermediary liability need to strike a balance between protecting consumer rights and supporting the expansion of digital markets. Intermediary liability rules set out the responsibility that falls upon online intermediaries, such as e-commerce marketplaces, social networks and other platforms for third-party content featured in, or goods and services offered through, their website or apps. Digital intermediaries manage the relationship with the consumer, and they are often the larger, more sophisticated party involved in the transaction. As such, regulations can impose liability on intermediaries (jointly with the third party) for fake or faulty goods or services, or for offensive or illegal content, transacted through or featured in their services. On the other hand, intermediaries often do not have full knowledge of everything that is being offered by producers and content developers, who have greater control over it. In this context, well-defined and balanced rules provide assurances to consumers and users that digital platforms have procedures in place to minimize offensive or unlawful content, while they also allow platforms, especially in their start-up stage, to engage in these business models by limiting the legal compliance risk and costs faced by such platforms.

Benin has established a basic framework for platform liability but lacks essential provisions. Similar to some of its regional peers, Benin has introduced basic rules concerning the liability of digital intermediaries (see Figure 14). Benin's Digital Code recognizes the limited liability of platforms for unlawful content, such as distribution of child pornography uploaded by its users. For the exemption from liability to apply, the platform must have in place a protocol for taking unlawful content down whenever so requested, but it does not require an active monitoring. However, the provisions in the Digital Code set out a bare-bones framework, missing substantial regulatory solutions to have a fully featured framework, including covering violations of intellectual property rights, and key procedural steps for the exemptions from liability to apply.

Platforms may hence face heavy costs in legal liability for unlawful content or products submitted by their users and vendors, even when they have taken all due-diligence steps to prevent it. The exemption from intermediary liability does not cover violations of intellectual property rights, such as copyright and brands, so online platforms would be fully liable for counterfeit goods sold by vendors through their platform. Given the limited scope of the provisions, relationships between the platforms, users and third parties related to online distribution of goods are governed by standard tort laws or even contractual terms, which often leads to uncertain and undesirable results. Smaller firms, especially start-ups, may find this legal risk daunting and potentially overwhelming, thus chilling growth and innovation in the local ecosystem for digital trade in services. While responsible businesses tend to adopt measures to monitor and limit potential unlawful content, the lack of explicit rules allows for fraudulent actors to also enter the market reducing trust in online transactions and hampering growth of digital markets.

Figure 14. Rules on intermediary liability

		Intermediary liability														69a. Safe harbor for	
		67. Framework explicitly addresses online intermediary liability.	68. Online intermediaries are not required to route...	70. Notice and take down procedures required for: Unlawf..	71. Notice and take down procedures required for: Infring..	72. Content providers' right to counter notice	73. Online platforms' / Hosting providers' right to counter noti..	74. Online platforms' / Hosting providers are not liable for wrong ..	75. Complainants are liable for wrong deletion following a ..	76. Online platforms' / Hosting providers are required to disclose ..	77. If online platforms / hosting providers are required to discl..	78. Online platforms' / Hosting providers may not disclose the..	79. An order from a judicial court or competent authority..	69a. -Unlawful activity generally	69b. -Infringements related to intellectual property		
DTA countries	Benin	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Cote d'Ivo..	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Kenya	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Ghana	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Nigeria	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Rwanda		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Sub-Saharan ..		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Lower-middle		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Low income		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

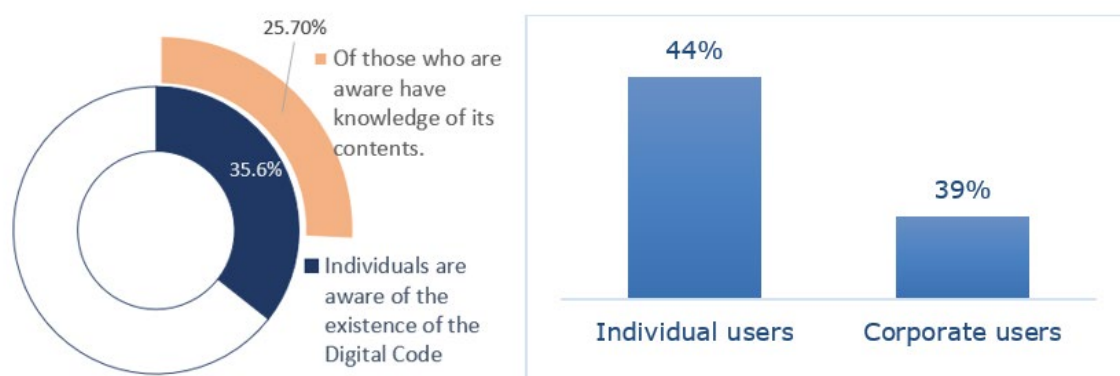
Note: For individual countries, bubbles' size and color indicate the existence of such regulatory measure. Green represents positive regulatory measures. Red indicates regulatory restrictions to digital trade. For regional and income groups, bubbles represent the regulatory "readiness" in each category, based on the share (in quintiles) of positive answers in that category from 0 to 100. 

Source: World Bank DTRR database (forthcoming 2025)

4.5 Other regulatory and policy challenges: Unawareness of Digital Code

The lack of public awareness about the Digital Code limits its effectiveness. Despite Benin having a comprehensive legal framework in its 2017 Digital Code, which integrates all necessary laws for the digital economy, its effectiveness is undermined by the widespread lack of knowledge of its content or even its existence. Although the Digital Code plays a crucial role in governing digital interactions and transactions, only 35.6% of Beninese are aware of its existence, and of those, a mere 25.7% possess knowledge of its contents (see Figure 15). This lack of familiarity with the Digital Code is a substantial barrier to its enforcement and the broader adoption of digital practices in the country.

Figure 15. Awareness of Digital Code and Users of Internet without knowledge of Digital Code



Source: WB staff calculation based on the African School of Economics survey data

A key goal of the Digital Code's laws on data protection, consumer protection and similar regulations is to boost public trust in digital markets. However, this trust cannot be achieved if the rules are not widely known or understood. The challenge lies in the fact that effective enforcement and compliance with the Digital Code depends on the awareness and understanding of both citizens and businesses. Without sufficient knowledge of the Code, businesses may struggle to

comply with its regulations, and citizens might not fully benefit from the protections it offers. This lack of awareness hinders the development of a strong digital economy in Benin.

Furthermore, Figure 15 indicates that the issue extends beyond just general awareness. A significant proportion of Internet users, both individual (44%) and corporate (39%), are unaware of the Digital Code. This suggests potential shortcomings in the enforcement and monitoring of the law. Proper implementation and widespread dissemination of information regarding the Digital Code could lead to greater awareness and, consequently, more effective compliance among companies. Addressing this challenge is crucial for the growth of digital trade in Benin, as it would ensure that the legal framework governing digital activities is understood, respected, and utilized to its full potential.

5 MAIN FINDINGS AND NEXT STEPS

5.1 General observations and main findings

Benin's exports of digitally delivered services have shown a recovery trend since 2021, after a period of decline. After an initial dip from 2018 to 2021, which may be partly attributable to changes in the data collection methodology, exports of digitally delivered services have steadily trended upwards since. After several years of stagnation, Benin's imports of digitally delivered services exhibited a sharp increase in 2023.

The country has undertaken WTO commitments and participates in ongoing work that contribute to a facilitative environment for digital trade. The country has ratified the WTO's TFAs and undertaken GATS commitments in a few digital trade-enabling services, notably financial and maritime transport services, but many others remain uncommitted. Moreover, it does not participate in the ITA, nor has it subscribed to disciplines aimed at increasing transparency and predictability of procedures related to services trade. At the same time, Benin has participated in the negotiations of the IFD Agreement and the AEC and is seeking their incorporation into the WTO rulebook. The country is also a participant in regional frameworks such as the AfCFTA, which can also promote digital trade.

Benin has made significant strides in establishing a regulatory framework for digital trade, highlighted by the pioneering adoption of its Digital Code in 2017. This framework has fostered a burgeoning startup ecosystem and facilitated the digitization of public services, such as e-visas and integrated payment systems.

However, gaps remain in areas like electronic signatures, authentication, and online consumer protection, which need further development. The government is committed to updating these regulations, with new cybersecurity measures and Digital Code decrees under consideration.

Important challenges to digital trade are also found beyond the policy and regulatory framework. Field research conducted for this report also noted that access to finance and a skilled workforce are major constraints to digital trade. These challenges affect particularly digital startups that require venture capital but struggle to secure funding in Benin's current financial environment.

The government's initiatives in supporting digitalization have been generally welcomed by the business community, yet some concerns were raised. For instance, the planned mandatory adoption of an electronic payments platform for government services was identified as potentially harming innovation and limiting market competition. The authorities have expressed interest in receiving support for implementing their Digital Trade Strategy, which was poised for approval in early 2024, and are open to further engagement with the World Bank and WTO to strengthen their digital trade ecosystem.

5.2 Maximizing the benefits of trade agreements

Trade agreements offer the opportunity to build, and legally guarantee, policy regimes that are conducive to greater digital trade. Benin may consider using existing and emerging trade agreements to anchor its own efforts to increase its participation in digital trade. It can do so at the WTO or in regional contexts. For example, it can bring its commitments closer to its currently applied regimes for services and ICT goods trade, or even commit to the future opening of its trade policy regimes in a manner that increases competition and encourages greater investment in digital

trade-enabling sectors. Making these commitments in the context of trade negotiations would have the potential added benefit of helping overcome resistance to domestic reforms by securing market openings in other sectors of domestic economic interest.⁴⁹

5.3 Policy and regulations

The current World Bank's Digital Trade Policy Gap Analysis (see more details in the table below) points to a number of regulatory and institutional initiatives that would further help fostering digital trade by increasing trust in digital transactions. Some specific recommendations⁵⁰ resulting from the analysis include:

- **Reducing barriers to cross-border data flows.** Requirements for government approval for cross-border data transfers, in particular, introduce a cumbersome and uncertain procedure to share data from Benin with other countries, increasing trade costs. While these measures may be adopted in response to legitimate policy concerns like protection of national security, blanket requirements such as across-the-board ad hoc government authorization appear to go beyond those goals and introduce hefty costs in the Beninese economy and particularly its digital sector. Benin may consider limiting the scope of the prior approval requirements for cross-border transfers to focus it on data raising national security concerns. For other data, Benin may establish a more flexible regime that balances safety and individual privacy with seamless data transfers, in line with other ECOWAS countries.
- **Ensuring that consumer protection policies are operational and well-known.** Despite the recent growth of digital transactions, lack of general trust in digital markets remains a major challenge for the development of digital trade in Benin. While the country has adopted already some valuable rules for online consumer protection, the framework remains patchy and, more importantly, largely unknown to Beninese consumers. These regulatory advances should be completed with adequate resources and technical capacity in the government bodies to ensure their effectiveness. An effective consumer protection agency to advance regulations on digital transactions, provide an accessible dispute resolution mechanism and ensure effective remedies when needed would be a valuable step to increase trust in digital markets. In addition, concrete measures like a comprehensive awareness campaign to disseminate information on consumer protection measures would be a cost-effective initiative to ensure compliance with laws and regulations, as well as to foster synergies between the private sector and policymakers.
- **Implementing digital authentication and e-signature regulations.** Beninese regulations on digital signature are adequate but lack implementation and recognition as legally valid electronic signatures. Beninese authorities may focus on bringing the e-authentication and e-signature frameworks to full effect, with a special focus on allowing greater flexibility for e-signatures for commercial use by private parties. This flexibility will enable businesses and individuals to opt for the most efficient method for remote digital contracts in each case, balancing costs and security in their transactions. The government could consider ensuring that digital authentication and e-signatures are legally recognized and admissible in court, providing greater confidence in their use and encouraging wider adoption of digital solutions.
- **Adopt a balanced framework for intermediary liability.** A modern and balanced regulation to address the rights and obligations of intermediary platforms would support good practices and trust in the digital environment, while reducing chilling legal risks faced by start-up platforms.
- **Launch a comprehensive public awareness campaign for the Digital Code.** Implementing an extensive and targeted campaign that includes educational programs, workshops, and digital literacy initiatives will increase knowledge and understanding of the Digital Code among individuals and businesses, thereby enhancing compliance and fostering a stronger digital economy in Benin.

⁴⁹ See WTO (2019).

⁵⁰ The recommendations contained in sections 5.3 and 5.4 are from the World Bank only. The WTO Secretariat does not offer trade policy advice or recommendations.

Table 1. Detailed summary table of WB policy and regulatory recommendations

	Challenges	Possible Actions	
		Short term	Medium/Long term
Data protection and cross-border data flow	Cross-border transfers of personal data to non-ECOWAS countries subject to prior approval by government Authority.	Amend Art 391 of the Digital Code on Data Protection to eliminate general prior approval requirements. Adopt flexible regime for privately generated personal data. Limit prior government approval requirements to cases of national security	Harmonize data protection regulation with ECOWAS rules and align them with international best practices. Adopt a framework to facilitate the safe sharing of personal data with firms in ECOWAS and third countries, even in the absence of data protection regulations.
Consumer protection	Lack of trust in e-commerce platforms; little public awareness about consumer rights	Implement effective awareness-raising campaigns and educational programs.	Establish a consumer protection agency to enforce regulations and resolve disputes. Update consumer protection framework to include specific safeguards for online markets (information requirements, redress, opt-out protections...)
	Inadequate resources and technical capacity		Increase government capacity with training and resource allocation.
Digital authentication and e-signature regulations	Uncertainty about the legal validity of electronic contracts	Appoint and empower implementing agency for electronic authentication and signatures. Pass regulation or guidance setting out requirements and procedures for recognition of foreign signatures.	Ensure legal recognition in courts by updating judicial guidelines.
	Need for flexible e-signatures for commercial use.	Introduce alternative regime for digital signature for commercial purposes that facilitates private adoption.	
Intermediary liability	High legal liability risks for platforms for content	Adopt a balanced intermediary liability framework covering both intellectual property rights and generally unlawful content.	Foster collaboration with platforms through regular dialogues and workshops.
Unawareness of Digital Code	Lack of awareness about the Digital Code among the public and businesses engaged in digital activities	Implement targeted educational workshops and training sessions for businesses and citizens to quickly improve understanding and compliance with the Digital Code	Create and maintain an easily accessible online platform and mobile application where individuals and businesses can find comprehensive information, updates and resources related to the Digital Code

5.4 Digital infrastructure

As noted in Section 2, digital infrastructure in Benin has significant room for improvement. Additional efforts are needed to bridge the urban/rural and digital gender gaps. Specific measures that can serve to that end include:

- **Strengthening the regulatory framework to improve competition:** Competition in the telecommunication sector brings down costs of basic digital infrastructure that would benefit the society as a whole and the most remotely connected (spatially and/or socially) in particular. Competition in general is crucial for productivity gains which is the key for long-term growth. It is especially important in the telecommunication sector for its significant impact on downstream sectors, private sector development and consumers. Benin could increase affordability by strengthening the regulatory framework for the telecommunications sector to ensure fair competition, quality of service, and affordable prices for consumers, especially for fixed broadband. This includes incentivizing infrastructure sharing with non-telecom utilities (such as electric utilities) and opening up the market for new innovative players. Benin could also establish a comprehensive and coordinated national strategy for digital infrastructure development (that would detail the role of the telecom SOE and its economic sustainability in a context where the telecommunications sector is usually led by private investors) by conducting public consultations that involve key stakeholders, including government agencies, private sector representatives, and civil society organizations, to ensure effective collaboration and alignment of efforts. Additionally, as also noted in Section 3.1.1, upgrading bindings for telecommunications services in trade agreements would help guarantee market openness and regulatory certainty, which can in turn support investment in key enabling services and strengthen the country's ability to capitalize on digital trade opportunities.
- **Improving last-mile connectivity:** To improve last-mile connectivity (i.e. the final leg of telecommunications networks that delivers telecommunication services to customers), the authorities could consider a mix of regulatory, fiscal, financial, and political tools to support broadband access in rural areas and to achieve near-universal coverage of mobile broadband. To achieve these objectives, the authorities could: (i) enforce coverage obligations with coverage targets at the regional/departmental level rather than the national level; (ii) offer specific rural tax breaks or exemptions for new towers (e.g., property tax paid to municipalities), with the government or the Universal Access and Service Fund (USF) compensating for the loss of revenue to municipalities; (iii) consider using Universal Service Funds to subsidize the deployment of sites in rural areas, and/or consider implementing a "pay-or-play" mechanism whereby operators that invest in rural areas can deduct these investments from their contribution to the USF. The WB is currently supporting the extension of digital connectivity in rural areas through the Digital Rural Transformation Project (PITN2R, P162599), expected to close in June 2025.

The World Bank is also expected to continue supporting the digitalization of the Beninese economy to achieve impact at scale with the Western Africa Regional Digital Integration Program- Series of Projects 2 (WARDIP-2, P500628). The WARDIP-2 aims to increase broadband access and usage in participating countries and advance the integration of digital markets in Western Africa. This project, with a total commitment of USD 185 million, is part of a broader initiative to create a single digital market in the region. For Benin, this means enhanced connectivity and digital infrastructure, which will support the digitalization of its economy. By improving broadband access, the project will enable better Internet services, fostering innovation and growth in various sectors such as education, healthcare, and commerce. This will also attract investments and create job opportunities, contributing to economic development. The initiative is expected to be approved in late 2025.

5.5 Potential future work

The WTO and the World Bank are ready to undertake a joint action programme, tailored to Benin's needs. The two institutions can complement each other's assistance initiatives and offerings in a manner that strengthens Benin's ability to leverage the promise of digital trade.

The World Bank is engaged with Benin both through lending operations and advisory and analytical services, and WTO technical assistance (TA) can complement these efforts.

Implementing the World Bank's recommended policy and regulatory reforms would involve initiating technical assistance activities aimed at refining diagnostics for each reform area to support digital trade. The World Bank's engagement would include conducting in-depth analyses, proposing concrete regulatory changes through normative draft texts, facilitating extensive consultations with stakeholders and supporting the adoption of reforms. The WTO offers training and TA activities that could reinforce policymakers' awareness and understanding of the trade disciplines applicable to digital trade. This is an area which WTO TA recipients have indicated as a priority in a recent survey.⁵¹

Technical assistance can be tailored to the specific needs of Benin. Depending on the nature of the reforms envisaged – whether requiring legislative amendments or infra-legal regulations like decrees – World Bank technical assistance could be structured as standalone initiatives, initiated upon government request, or integrated into existing or future lending operations with a dedicated technical assistance component. WTO technical assistance activities can, for their part, provide a catalyst to engage a diverse range of domestic stakeholders in a dialogue centred on digital trade. They can also help foster greater domestic inter-agency coordination and may contribute to the development of a more encompassing and coherent approach to digital trade policymaking.

The WTO and the World Bank could also engage other international organizations, academics and donors to further focus technical assistance on the regulatory framework for digital trade. This would offer Benin the opportunity to benchmark its regulatory framework against regional and global economic peers with a view to charting a possible course to strengthen it. If so requested, the WTO stands ready to provide tailored technical assistance focused on existing WTO rules, emerging disciplines, and their relation to the digital policy regime in Benin.

Digital connectivity is also an established theme of the WTO-led Aid for Trade initiative and, together with digital trade, an area where financing is flourishing, including in the form of public-private partnerships. The WTO and the World Bank can play an important role in promoting coherence in the deployment of the resources mobilised to address the trade-related constraints identified by developing and least-developed countries. Under Aid for Trade, donors have already announced financing commitments of nearly USD 500 million over the 2023 to 2025 period to support Internet connectivity and the digital economy in various African countries, including Benin.

⁵¹ WBG/WTO (2023a). The most recent survey, which was conducted in the context of planning for WTO training activities in 2026-27, confirmed e-commerce as a priority TA area for African WTO Members.

ANNEXES

ANNEX 1 – WORLD BANK'S DIGITAL TRADE POLICY GAP ANALYSIS

The World Bank's Digital Trade Policy Gap Analysis provides an assessment of Benin's digital trade regulations. It is structured into several sections, each focusing on a specific aspect of digital trade regulation such as electronic transactions frameworks, electronic authentication, electronic signatures and electronic contracts, consumer protection, data protection and others (see Table A1).

Table A1. Data sources for desktop review of Gap Analysis

	STRI (WTO-WB)	DTRR	ECIPE DTRI	STRI (OECD)	UNCTAD Cyberlaw tracker	Data Guidance	UN Global Survey Digital & Sust. Trade	OECD Open Gov. Data	Global Open Data Index	Global Trade Alert	DE4A	E-Trade Readiness
Positive or facilitative obligations												
Electronic transactions frameworks	✓	✓		✓	✓						✓	✓
Electronic authentication		✓		✓	✓						✓	✓
Electronic signatures	✓	✓		✓	✓						✓	✓
Electronic contracts	✓	✓		✓	✓						✓	✓
Electronic invoicing	✓	✓									✓	✓
Paperless trading	✓	✓					✓				✓	✓
Single Windows							✓				✓	✓
Open government data								✓	✓	✓	✓	✓
Access to and Use of the Internet				✓								
Online consumer protection	✓	✓			✓						✓	✓
Unsolicited commercial electronic messages	✓	✓			✓	✓					✓	✓
Cybersecurity		✓			✓	✓					✓	✓
Personal information/data protection	✓	✓		✓	✓	✓						
Telecomm services-Reference paper	✓			✓								
Transparency											✓	
Cooperation and cooperation mechanisms											✓	
Cross-border data/information flows	✓	✓	✓	✓		✓					✓	✓
Location of computing facilities		✓		✓		✓						
Intermediary Liability	✓	✓		✓								

The Gap Analysis includes the following steps:

1. **Review and classification of relevant provisions:** The Gap Analysis addresses policies and regulations that are generally covered in trade negotiations, such as the plurilateral WTO Agreement on E-Commerce. The choice of such an instrument is based on its broad (potential) geographical coverage, and the fact that it generally reflects policies and rules on digital trade present in other RTAs already in force. For completeness, however, additional key regulations that were not included in the agreement are also addressed in the Gap Analysis, namely provisions on cross-border data transfers and intermediary liability. Individual provisions of each policy category are separated for individual review, resulting in a total of 66 individual provisions stemming from 19 policy categories.
2. **Assessment of policies with regard to individual provisions:** The analysis then focuses on the regulatory framework of the country concerned, and assesses whether relevant regulations exist and align with the requirements or expected practices outlined in the trade agreement, such as enabling cross-border data flows or providing legal certainty for electronic transactions. The desktop review of the regulatory framework draws upon various standard databases and reports, such as the World Banks' DTRR database (forthcoming 2025), WB-WTO's Services Trade Policy Database, STRIs from OECD and from WB-WTO, and DTRI from the European Centre for International Political Economy (ECIPE), in addition to other available literature and country specific sources of information. For each category, the document lists provisions

and assigns a rating ('Implemented', 'Not Implemented', 'Partially Implemented') based on the current state of the country's regulations.

3. **Assessment of gaps between current regulatory frameworks and best practices at the policy level:** Based on the assessment at the level of each provision, the analysis turns into aggregating such assessment at the policy level, for each of 19 categories in the analysis. This expert assessment is not free from subjective considerations; however, the granular review of each provision provides a solid factual base that limits subjectivity.

4. **Based on such assessment, identification of recommendations at the provision and policy level** that would support the development of an enabling regulatory framework for digital trade, in particular on the policy categories under review. This systematic approach aims to provide a comprehensive understanding of the country's regulatory "readiness" and eventual compliance with rules on digital trade featured in trade agreements.

Table A2 provides the assessment at the individual provision level, including the sources of information used in each case and the information taken therefrom.

Table A2. Digital Trade Policy Gap Analysis. Assessment of individual provisions/elements for Benin

The following provisions/elements are based on several of the disciplines contained in the text of the plurilateral WTO Agreement on Electronic Commerce, as well as other agreements, such as the AfCFTA Digital Trade Protocol.

Provisions/elements	Rating	Source: DTRR ¹	Source: UNCTAD Cyberlaw tracker
Electronic transactions frameworks			
Adoption or maintenance of a legal framework governing e-transactions (in line with the principles of the UNCITRAL Model Law on Electronic Commerce 1996).	Implemented	Digital Code, Electronic Communications Act Art. 6 Digital Code, Electronic Communications Act Art. 343 Digital Code, Electronic Communications Act Art. 577 Digital Code, Electronic Communications Act Art. 269	Law No. 2017-20 On the digital code in Republic of Benin. https://unctad.org/page/cyberlaw-tracker-country-detail?country=bj
Avoidance of undue regulatory burden on e-transactions.			
Facilitating inputs into the development of the legal framework for e-transactions			
Adoption or maintenance of a legal framework for the use of electronically transferable records (taking into account the UNCITRAL Model Law on Electronically Transferable Records 2017).	Not implemented	No provision was identified	No provision was identified
Adoption of a national policy that either unduly restricts electronic commerce or treats it more restrictively than traditional forms of commerce.	Not implemented	No provision was identified	No provision was identified

Provisions/elements	Rating	Source: DTRR	Source: UNCTAD Cyberlaw tracker	Source: Digital Economy Initiative for Africa (DE4A) ²
Electronic authentication				
No denying the legal effect/validity/admissibility for e-seals, e-time stamps and e-registered delivery services, if any.	Not implemented	No provision was identified	No provision was identified	The national ID system is still paper based and limited to 68% of the population. Without government-recognized credentials, such as birth certificates, unique identification numbers (UNIs) or other ID credentials, people are frequently denied access to rights and basic public services, with the most vulnerable population groups (those who might otherwise benefit most from social protection services) being

¹ World Bank's DTRR database (forthcoming 2025)

² "Digital Economy Assessment Country Report: Benin" - <https://www.worldbank.org/en/programs/all-africa-digital-transformation/country-diagnostics>

Provisions/elements		Rating	Source: DTRR	Source: UNCTAD Cyberlaw tracker	Source: Digital Economy Initiative for Africa (DE4A) ²
					the most adversely affected. Reciprocally, governments also struggle to authenticate and deliver services. ³
	No prohibiting parties to an e-transaction from determining appropriate e-authentication/e-signature methods (with some exceptions) and from having the opportunity to demonstrate compliance with relevant legal requirements before judicial or administrative authorities.	Not implemented	No provision was identified	No provision was identified	The national ID system is still paper based and limited to 68% of the population.
	Encouragement of use of interoperable e-authentication.	Partially implemented			A formal agreement was signed between Estonia's e-Governance Academy and ASSI to design and implement a government interoperability framework for enhancing the secure exchange of data between government authorities as well as developing e-services for the citizens of Benin. ⁴
Electronic signatures					
	No denying the legal effect/validity/admissibility as evidence in legal proceedings of an e-signature solely because it is electronic (except as provided for under domestic laws).	Partially implemented	Digital Code, Electronic Communications Act Art. 285-287	Law No. 2017-20 On the digital code in Republic of Benin. https://unctad.org/page/cyberlaw-tracker-country-detail?country=bj	The electronic signatures feature is not yet effective. ⁵

³ Digital Identification Services

The coverage of birth registration in Benin is one of the highest in the region, while the national ID system is still paper based and limited to 68% of the population. The roll-out of a foundational ID (fID) platform is crucial to expand access of citizens to digitized services and transactions, for which identification is often a prerequisite (e.g., financial, social, education), and take advantage of economic opportunities, including formal employment and property rights. Without government-recognized credentials, such as birth certificates, unique identification numbers (UNIs) or other ID credentials, people are frequently denied access to rights and basic public services, with the most vulnerable population groups (those who might otherwise benefit most from social protection services) being the most adversely affected. Reciprocally, governments also struggle to authenticate and deliver services.

⁴ To implement its Smart Government agenda, Benin is collaborating with Estonia. A formal agreement was signed between Estonia's e-Governance Academy and ASSI to design and implement a government interoperability framework for enhancing the secure exchange of data between government authorities as well as developing e-services for the citizens of Benin. The governmental interoperability framework development includes the Estonian secure data exchange platform based on the Estonian X-Road model with UXP (Unified eXchange Platform software) and a catalogue of interoperability solutions. The data exchange platform is being developed by the Estonian IT company Cybernetica.

⁵ While the enactment of the Digital Code is a positive signal towards the development of digital entrepreneurship, areas such Intellectual Property Protection and application of electronic signatures need to be further strengthened. The introduction of the Digital Code has marked a significant contribution in regulating the conclusion of online contracts, protecting personal data, and creating a National Information Systems Security Agency and a Central Office for the Suppression of Cybercrime. Although foreseen under the Digital Code, the electronic signatures feature is not yet effective.

Provisions/elements	Rating	Source: DTRR	Source: UNCTAD Cyberlaw tracker	Source: Digital Economy Initiative for Africa (DE4A) ⁶
Electronic contracts				
No denying the legal effect, legal validity, or enforceability of an electronic contract solely on the basis that the contract has been made by electronic means (except as provided for under domestic laws).	Implemented	Digital Code, Electronic Communications Act Art. 343	Law No. 2017-20 On the digital code in Republic of Benin. https://unctad.org/page/cyberlaw-tracker-country-detail?country=bj	

Provisions/elements	Rating	Source: DTRR	Source: UN Global Survey Digital & Sust. Trade ⁷
Electronic invoicing			
No denying the legal effect/validity/admissibility of e-invoices solely because it is electronic (except as provided for under domestic laws).	Not implemented	No provision was identified	
Implementation of measures related to e-invoicing in its jurisdiction designed to support cross-border interoperability. For that purpose, each [Party/Member] shall base its measures related to e-invoicing on international standards, guidelines or recommendations, where they exist.	Partially implemented		Cross-border paperless trade partially implemented. https://www.untfsurvey.org/economy?id=BEN

Provisions/elements	Rating	Source: UN Global Survey Digital & Sust. Trade	Source: DE4A
Paperless trading			
Encouragement to eliminate paper forms and documents and facilitate, as appropriate, the transition toward using forms and documents in data-based formats.	Partially implemented	Automated Customs System established, however is not fully implemented.	One of ASSI's flagship projects which aims to provide paperless and electronic tracking of all government decisions. The project is in its final phase and expected to be completed
Adoption of any form issued or controlled by customs for import, export, or transit of goods through its territory available to the public in an electronic format.	Partially implemented	Automated Customs System established, however is not fully implemented.	
Acceptance for processing electronically any form issued or controlled by customs and supporting documentation (such as invoices bills of lading packing lists, and money transfers) required by customs for import, export or transit of goods through its territory as the legal equivalent of the paper version of those documents.	Partially implemented	Automated Customs System established, however is not fully implemented.	
Encouragement to cooperate, where appropriate, in international fora to promote the use of electronic forms and documents required for import, export and transit of goods.	Implemented	Automated Customs System established, however is not fully implemented.	

⁶ "Digital Economy Assessment Country Report: Benin" - <https://www.worldbank.org/en/programs/all-africa-digital-transformation/country-diagnostics>

⁷ <https://www.untfsurvey.org/economy?id=BEN>

Provisions/elements	Rating	Source: UN Global Survey Digital & Sust. Trade	Source: DE4A
- Adoption of the standards of, and/or methods agreed by relevant international organizations. Recognize in particular: - Electronic phytosanitary certificate (e-Phyto), as defined in the International Standard for Phytosanitary Measures 12 of the Food and Agriculture Organization of the United Nations; - Electronic CITES permit (eCITES), for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; - International Air Transport Association (IATA) Electronic Air Waybill (e-AWB) and Cargo XML; - United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) Data Interchange for Administration, Commerce and Transport (UN/EDIFACT), Electronic SPS Certificate (eCERT).]	Partially implemented	Electronic exchange of Sanitary & Phyto-Sanitary Certificate are implemented	
Single Windows			
Each Party, when creating or maintaining its single window for trade facilitation, should aim to allow the electronic submission of required documents or data for importing, exporting, or transiting goods through a single access point, covering all relevant authorities or agencies involved.	Partially implemented	Electronic Single Window System partially implemented.	Under the Smart Government Program, several key projects are underway to set up various national and sector-specific information systems as well as establishing interconnectivity between them. These include maintaining the civil status register; managing government personnel and payroll data; rolling out integrated management of the national budget and public expenditure; and, simplifying administrative procedures for all users, notably through one-stop shops at the local level.

Provisions/elements	Rating	Source: DE4A
Open government data		
• Making "government data" digitally available for public access and use	Not implemented	In the process of reformation. ⁸
• Digitally accessible public data, have to be with the following characteristics: (a) made available in a machine-readable and open format; (b) searchable and retrievable; (c) updated, as applicable, in a timely manner; (d) accompanied by metadata that is, to the extent possible, based on commonly used formats that allow the user to understand and utilize the data; and (e) made generally available at no or reasonable cost to the user.		
• To the extent a Party chooses to make government data available for public access and use, avoiding to impose conditions that unduly prevent or restrict the user of such data from: (a) reproducing, redistributing, or republishing the data; (b) regrouping the data; or (c) using the data for commercial and non-commercial purposes, including in the process of production of a new product or service.		
Access to and Use of the Internet for Electronic Commerce		
• "Access to Internet" shall not cover the services provided through network infrastructure by natural or juridical persons within their premises, which are used exclusively for individual or organisational needs without any commercial intention to provide any Internet access to third parties or to public	Partially implemented	Beninese tend to use high-speed Internet via mobile broadband rather than fixed Internet, the latter is one of the lowest levels of household penetration of 1.7% as at June 2020 (compared to the Sub-Saharan Africa average of 8.4%). Benin is directly connected to international broadband network through two submarine cables. Despite 4G services launched in 2015, rural areas of the country are still underserved and there remains a digital gender gap (a 2019 survey state that 38% of men have access to the Internet compared to 14% of women). More recent Gallup data from 2023 shows an increase to 41% for men and 22% for women, indicating progress but a persistent gender gap.
• Ensuring that end-users in their territory are able to: access/distribute/provide and use services and applications of their choice available on the Internet, subject to: -reasonable network management that does not discriminate between traffic of the same category; and - which does not block or slow down traffic based on commercial reasons		

⁸ Benin does not have a government run open data portal. However, African Development Bank runs Open Data for Africa provides extensive publicly available cross-sectoral data on Benin.

Provisions/elements	Rating	Source: DE4A
Recognising that an Internet access service supplier that offers its end-user certain content on an exclusive basis would not be acting contrary to this principle. (b) connect the end-user devices of their choice to the Internet, provided that such devices do not harm the network; and (c) access [transparent and clear] information on the network management [practices / policies] of their Internet access service supplier.		

Provisions/elements	Rating	Source: DTRR	Source: UNCTAD Cyberlaw tracker	Source: UN Global Survey Digital & Sust. Trade
Online consumer protection				
Adoption of measures to proscribe misleading, fraudulent and deceptive commercial activities that cause harm, or potential harm, to consumers engaged in electronic commerce.	Partially implemented	Digital Code Arts. 326, 328, 338 and 339	The Digital Code of the Republic of Benin, Law No. 2017-20. https://unctad.org/page/cyberlaw-tracker-country-detail?country=bj	There is also a lack of trust amongst the private sector in the ability of the government to develop a secure and reliable e-commerce gateway <u>due to the absence of an online consumer protection regime.</u>
Adoption of measures that aim to ensure: (a) that suppliers of goods and services deal fairly and honestly with consumers; (b) that suppliers provide complete, accurate, and transparent information on goods and services including any terms and conditions of purchase; and (c) the safety of goods and, where applicable, services during normal or reasonably foreseeable use.	Partially implemented	Digital Code Arts. 326, 328, 338 and 339	The Digital Code of the Republic of Benin, Law No. 2017-20.	There is also a lack of trust amongst the private sector in the ability of the government to develop a secure and reliable e-commerce gateway due to the absence of an online consumer protection regime.
Promote access to, and awareness of, consumer redress or recourse mechanisms, including for consumers transacting cross-border.	Not implemented	No provision was identified	The Digital Code of the Republic of Benin, Law No. 2017-20, was adopted, but it was noted that there are no specific provisions addressing online consumer protection.	There is also a lack of trust amongst the private sector in the ability of the government to develop a secure and reliable e-commerce gateway due to the absence of an online consumer protection regime.

Provisions/elements	Rating	Source: DTRR	Source: UNCTAD Cyberlaw tracker	Source: UN Global Survey Digital & Sust. Trade
Unsolicited commercial electronic messages (spam)				
Adoption of measures that: (a) require suppliers of commercial electronic messages to facilitate the ability of recipients to prevent ongoing reception of those messages; (b) require the consent, as specified in the laws or regulations, of recipients to receive commercial electronic messages; or (c) otherwise provide for the minimisation of unsolicited commercial electronic messages.	Partially implemented	Digital Code Arts. 332-334	The Digital Code of the Republic of Benin, Law No. 2017-20, was adopted, but it was noted that there are no specific provisions addressing online consumer protection.	There is also a lack of trust amongst the private sector in the ability of the government to develop a secure and reliable e-commerce gateway due to the absence of an online consumer protection regime.
Provision to access to either redress or recourse against suppliers of unsolicited commercial electronic messages that do not comply with previous provision.	Not implemented	No provision was identified	The Digital Code of the Republic of Benin, Law No. 2017-20, was adopted, but it was noted that there are no specific provisions addressing online consumer protection.	There is also a lack of trust amongst the private sector in the ability of the government to develop a secure and reliable e-commerce gateway due to the absence of an online consumer protection regime .

Provisions/elements	Rating	DTRR	UNCTAD Cyberlaw tracker	DE4A
Cybersecurity				
Adoption of provisions for (a) building the capabilities of their respective national entities responsible for cybersecurity incident response; (b) strengthening existing collaboration mechanisms to identify and mitigate malicious intrusions or dissemination of malicious code that affect electronic networks and use those mechanisms to swiftly address cybersecurity incidents, as well as for the sharing of information for awareness and best practices.	Implemented	Digital Code, Electronic Communications Act Art.604-5-6	Law No.10/2011 Law against corruption and other related offenses	The national cybersecurity strategy ("Stratégie Nationale de la Sécurité Numérique") was approved in early May 2020 and aims to define a national framework to protect digital users.
Provisions to build capabilities to prevent and respond to cybersecurity incidents by adopting, inter alia, risk-based approaches to mitigating threats that avoid trade restrictive and trade distortive outcomes.	Implemented	Digital Code, Electronic Communications Act Art 507	Law No.10/2011 Law against corruption and other related offenses	The national cybersecurity strategy ("Stratégie Nationale de la Sécurité Numérique") was approved in early May 2020 and aims to define a national framework to protect digital users.

Provisions/elements	Rating	DTRR	Data Guidance
Personal data protection			
Adoption of measures that provide for the protection of the personal data of users of electronic commerce.	Implemented	Digital Code, Electronic Communications Act Art. 378	Law No. 2009-09 of May 22, 2009 Dealing with the Protection of Personally Identifiable Information Digital Code, 2017 https://www.dataguidance.com/legal-research/law-no-2009-09-may-222009-dealing-protection
Adoption of safeguards appropriate to ensure the protection of personal data and privacy, including through the adoption and application of rules for the cross-border transfer of personal data.	Partially implemented	Digital Code, Electronic Communications Act Art. 394	
Adoption of measures that ensure the protection of personal data, including the cross-border transfer and processing of personal data and the conditions and requirements relating to it to promote the fundamental values of respect for privacy and protection of personal data	Partially implemented	Digital Code, Electronic Communications Act Art. 391 Digital Code, Electronic Communications Act Art. 394	
Applying principles and guidelines/international standards of relevant international organisations [such as the OECD Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)]	Not implemented	No provision was identified	
Adoption of non-discriminatory practices in protecting users of electronic commerce from personal data protection violations occurring within its jurisdiction.	No data	N/A	
Adoption of non-discriminatory practices in protecting users of electronic commerce from personal information protection violations occurring within its jurisdiction.	Implemented	Digital Code, Electronic Communications Act Art. 394	
Obtaining the directly expressed individual's consent for cross-border transfer and processing of his personal data.	Implemented	Digital Code, Electronic Communications Act Art. 389	
Publishing information on the personal data protection it provides to users of users of electronic commerce, including how: (a) a natural person can pursue remedies; and (b) an enterprise can comply with [any] legal requirements.	No data	N/A	
Development of mechanisms to promote compatibility between different regimes.	Implemented	Digital Code, Electronic Communications Act Art.483	

Provisions/elements	Rating	DTRR	Data Guidance
Prohibition using the personal information of natural persons obtained from enterprises operating within their jurisdiction in a manner which constitutes targeted discrimination on manifestly wrongful grounds such as race, colour, sex, sexual orientation, gender, language, religion, political or other opinion, national or social origin, property, medical, birth, or other status, genetic identity, age, ethnicity, or disability.	Implemented	Digital Code, Electronic Communications Act Art. 394	
Any personal information disclosed to a government authority by an enterprise is protected against loss or theft, as well as unauthorized access, disclosure, copying, use or modification	Partially implemented	Digital Code, Electronic Communications Act Art 507	
Any personal information disclosed to a government authority by an enterprise is not accessed, disclosed, used or modified by a government authority in a manner that can reasonably be expected to cause significant harm to a natural person.	No data	N/A	

Provisions/elements	Rating	Source: DTRR
Cross-border data/information flows		
Not restricting the cross-border transfer of information, including personal information, by electronic means.		No data
Cross-border data flows shall not be restricted by: (a) requiring the use of computing facilities or network elements in the country's territory for processing, including by imposing the use of computing facilities or network elements that are certified or approved in the territory of the Party; (b) requiring the localization of data in the country's territory for storage or processing; (c) prohibiting storage or processing in the territory of other country; (d) making the cross-border transfer of data contingent upon use of computing facilities or network elements in the country's territory or upon localization requirements in the country's territory.	Partially implemented	Digital Code, Electronic Communications Act Art. 391

Note:

 Green – Implemented

The provision is fully addressed in the country’s legal or regulatory framework.

 Yellow – Partially Implemented

The provision is addressed in part, but gaps remain in coverage, enforcement, or implementation.

 Red – Not Implemented

No relevant legal or regulatory measure has been identified for this provision.

 Grey – No Data

The provision could not be assessed due to a lack of available information.

Table A3. Reference of sources for Benin Gap Analysis

Source name:	Link:
Benin Digital Code, 2017	https://apdp.bj/wp-content/uploads/2019/04/CODE-DU-NUMERIQUE-DU-BENIN_2018-version-APDP.pdf
WB DTRR Database	File available upon request.
UNCTAD Cyberlaw tracker	https://unctad.org/page/cyberlaw-tracker-country-detail?country=bj
Digital Economy Assessment Country Report: Benin – DE4A	https://www.worldbank.org/en/programs/all-africa-digital-transformation/country-diagnostics
Data Guidance	https://www.dataguidance.com/legal-research/law-no-2009-09-may-222009-dealing-protection
UN Global Survey Digital & Sust. Trade	https://www.untsurvey.org/economy?id=BEN
UNCTAD Benin E-Trade Readiness Assessment Report	https://unctad.org/publication/benin-rapid-assessment-e-commerce-readiness

ANNEX 2 - WORLD BANK-WTO SERVICES TRADE RESTRICTIONS INDEX, SELECTED SECTORS⁸

Figure A1. STRI – Mobile Telecommunication Services (Benin and other African countries)

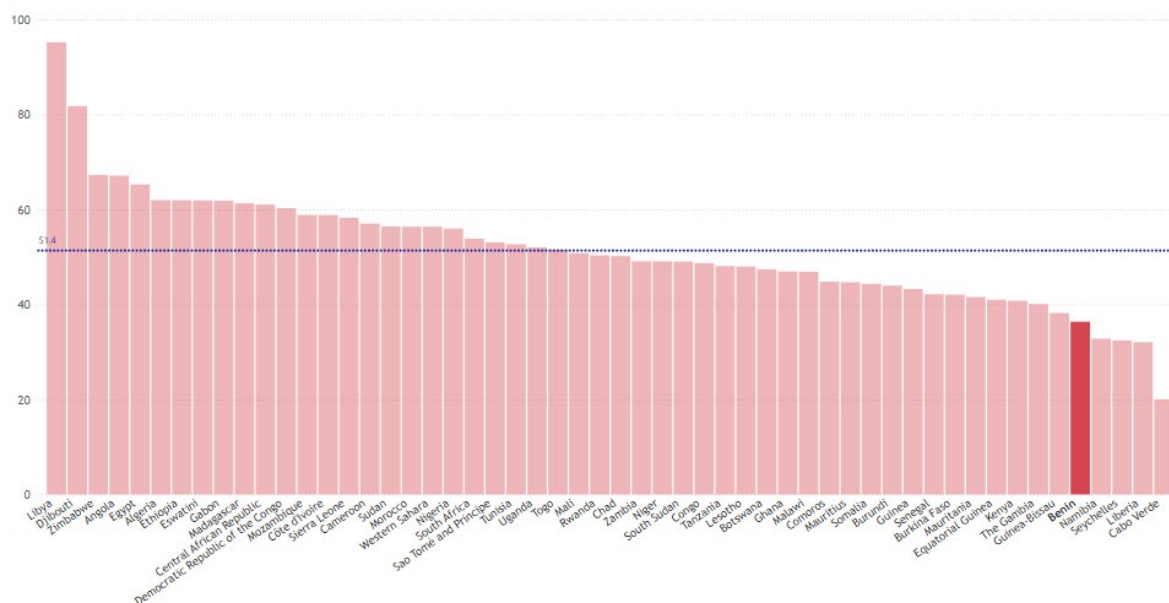
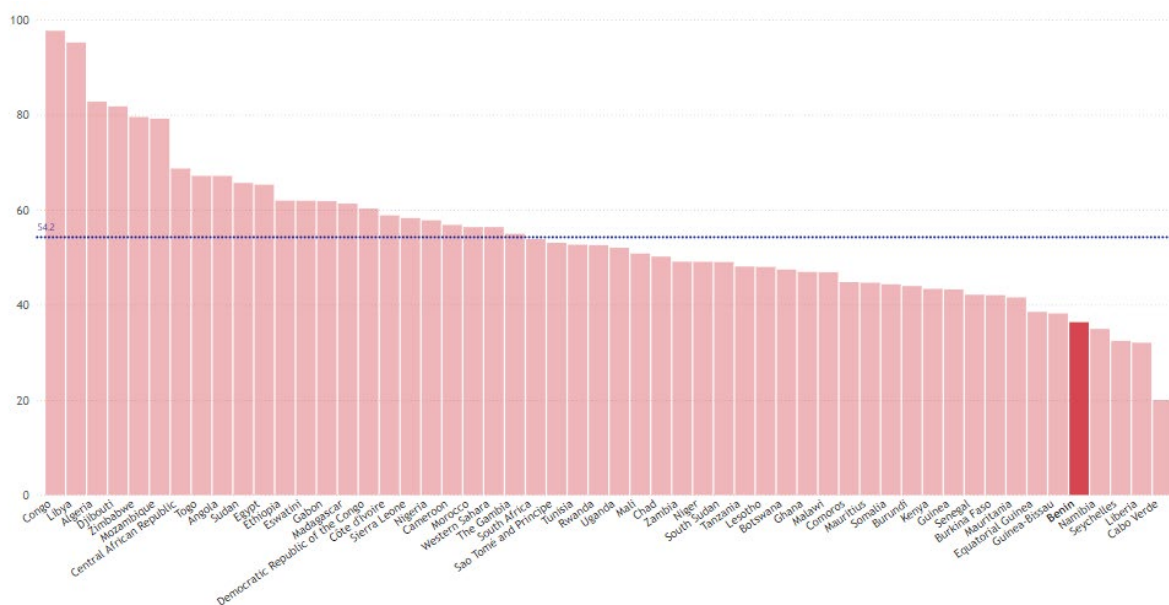


Figure A2. STRI – Fixed-Line Telecommunication Services (Benin and other African countries)



⁸ The dotted line in each graph represents the average STRI for the selected economies and subsector.

Figure A3. STRI - Computer services (Benin and other African countries)

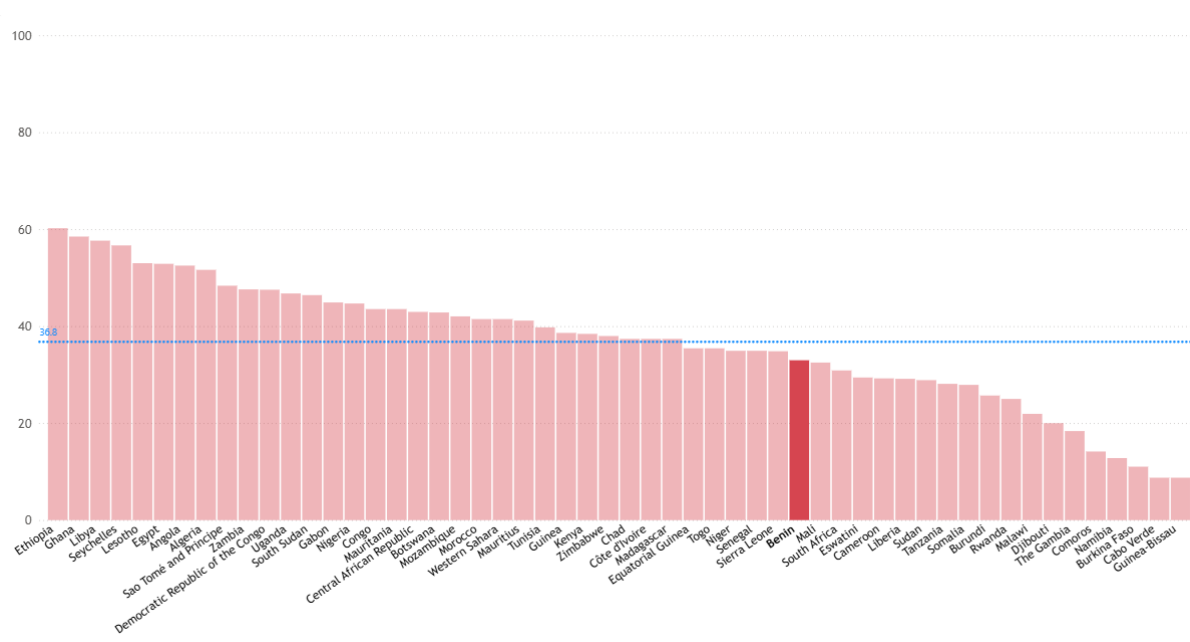


Figure A4. STRI – Retail distribution services (Benin and other African countries)

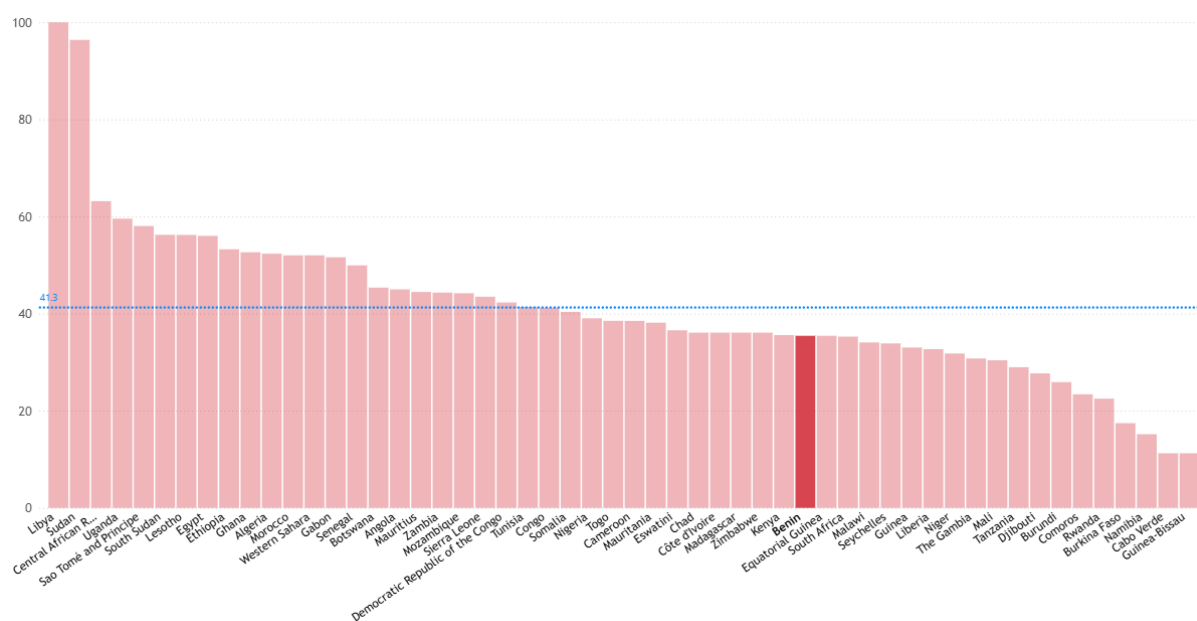


Figure A5. STRI – Wholesale distribution services (Benin and other African countries)

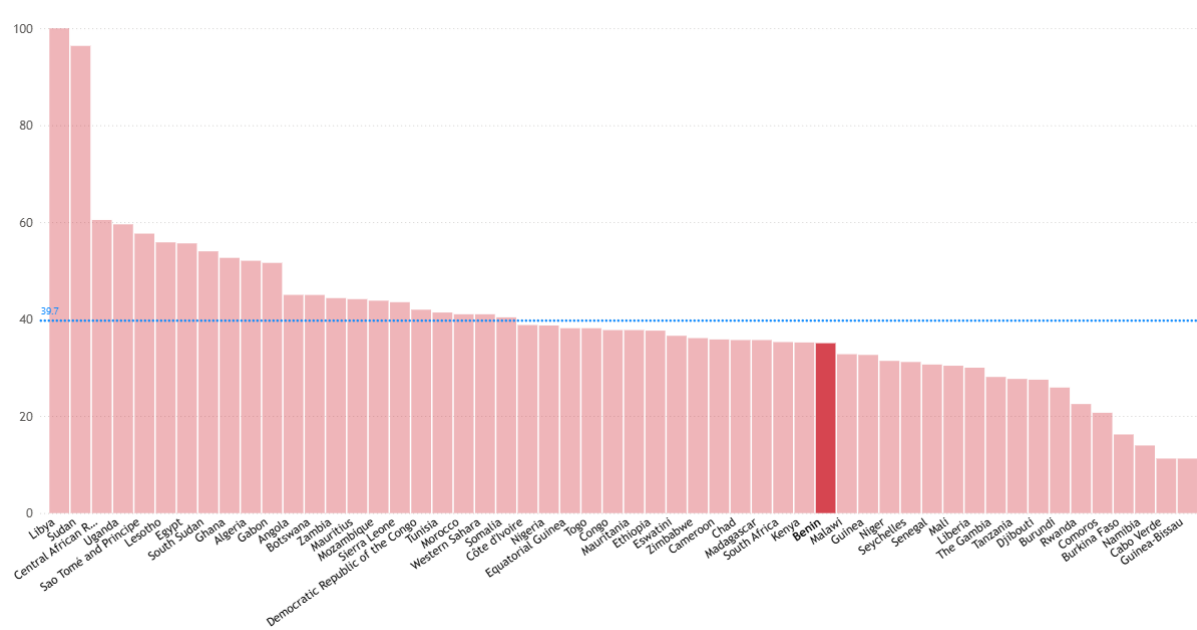


Figure A6. STRI – Commercial banking services (Benin and other African countries)

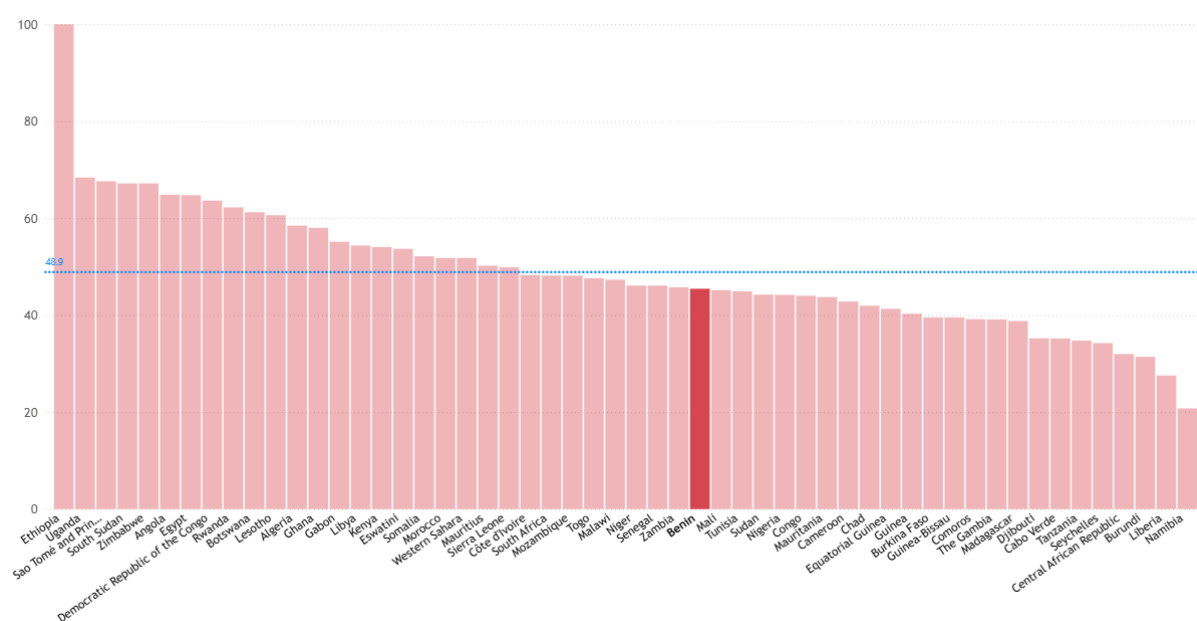


Figure A7. STRI – Maritime transport services (Benin and other African countries)

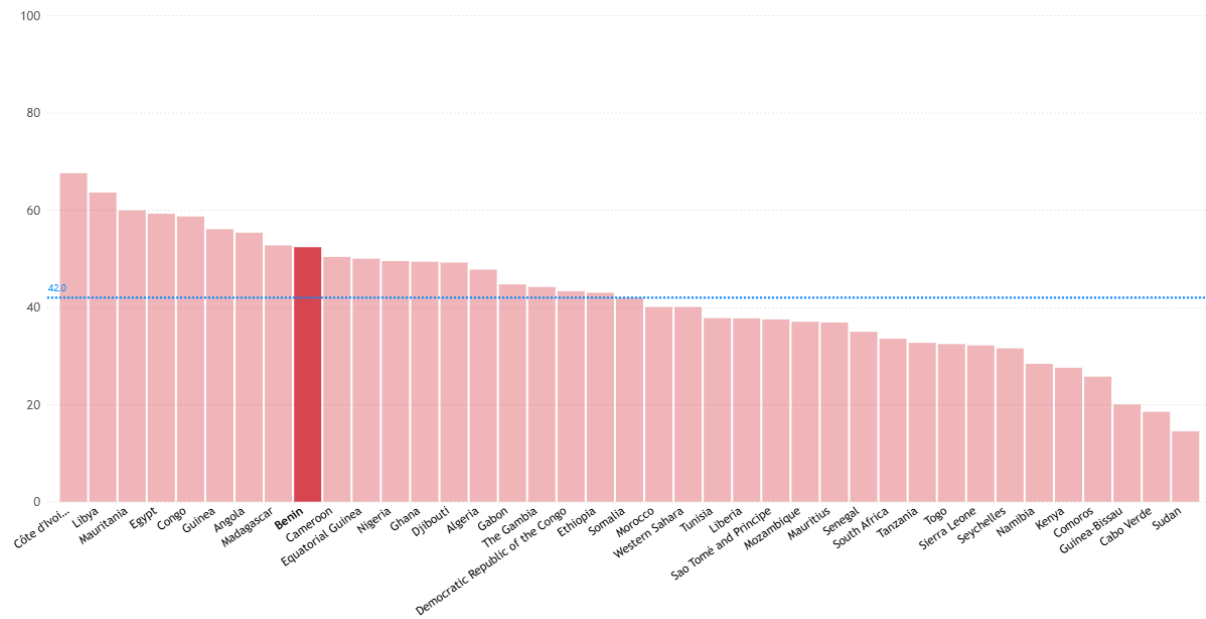
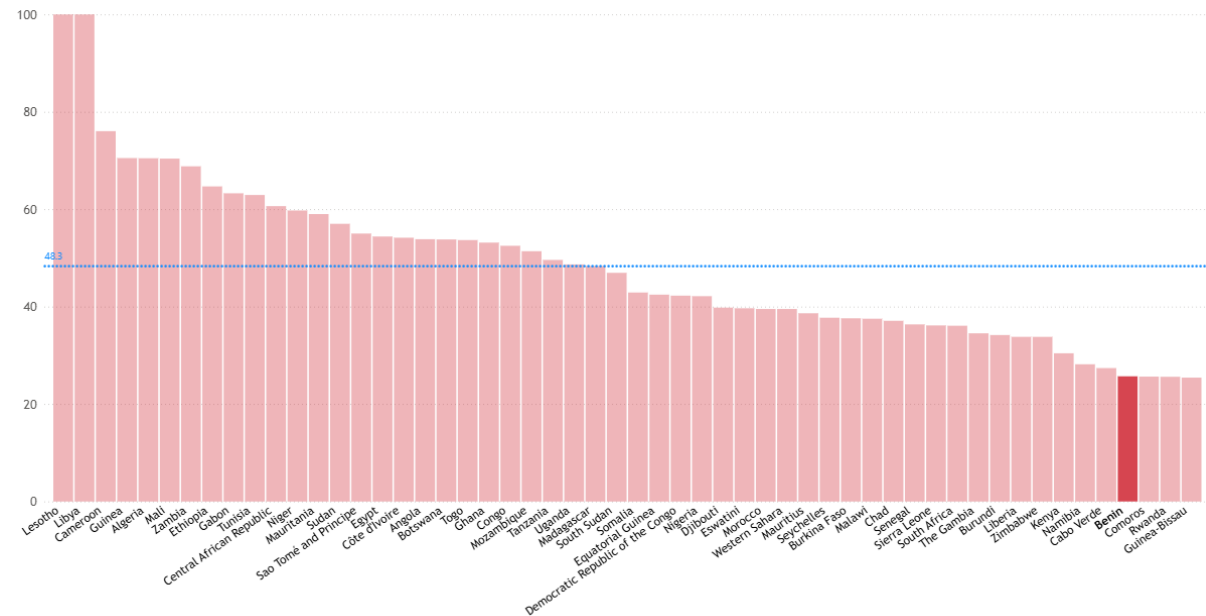


Figure A8. STRI – Road transport services (Benin and other African countries)



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ABBREVIATIONS

AfCFTA	Agreement Establishing the African Continental Free Trade Area
AEC	Agreement on Electronic Commerce
DE4A	Digital Economy Initiative for Africa
DTA	Digital Trade for Africa
DTRR	Digital Trade Regulatory Readiness
ECOWAS	Economic Community of West African States
GATS	General Agreement on Trade in Services
ICT	Information and communication technology
IFD	Investment Facilitation for Development
IMF	International Monetary Fund
ITA	Information Technology Agreement
ITU	International Telecommunication Union
OECD	Organisation for Economic Co-operation and Development
SBIN	Société Béninoise des Infrastructures Numériques
STRI	Services Trade Restrictions Index
TFA	Trade Facilitation Agreement
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
WAEMU	West African Economic and Monetary Union
WB-WBG	World Bank – World Bank Group
WTO	World Trade Organization

