

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 85/2021/ND-CP

Hanoi, September 25, 2021

DECREE

Amending and supplementing a number of articles of the Government's Decree No. 52/2013/ND-CP of May 16, 2013, on e-commerce¹

Pursuant to the June 19, 2015 Law on Organization of the Government; and the November 22, 2019 Law Amending and Supplementing a Number of Articles of the Law on Organization of the Government and the Law on Organization of Local Administration;

Pursuant to the November 24, 2015 Civil Code;

Pursuant to the June 14, 2005 Commercial Law;

Pursuant to the November 29, 2005 Law on E-Transactions;

Pursuant to the June 29, 2006 Law on Information Technology;

Pursuant to the November 17, 2010 Law on Protection of Consumer Rights;

Pursuant to the November 19, 2015 Law on Cyberinformation Security;

Pursuant to the June 12, 2018 Law on Cyber Security;

Pursuant to the June 12, 2018 Competition Law;

Pursuant to the June 17, 2020 Law on Investment;

At the proposal of the Minister of Industry and Trade;

The Government promulgates the Decree amending and supplementing a number of articles of the Government's Decree No. 52/2013/ND-CP of May 16, 2013, on e-commerce (below referred to as Decree No. 52/2013/ND-CP).

Article 1. To amend and supplement a number of articles of Decree No. 52/2013/ND-CP

¹ Công Báo Nos 843-844 (05/10/2021)

1. To amend and supplement Article 1 as follows:

“Article 1. Scope of regulation

1. This Decree provides the development, application and management of e-commerce activities. E-commerce activities, except those specified in Clause 2 of this Article, must comply with this Decree and relevant regulations.

2. This Decree does not regulate e-commerce activities in the fields of finance, banking, credit, insurance, lottery; purchase and exchange of money, gold, foreign currencies and other payment instruments; betting services or prize-winning games; and services of distribution and issuance of digital information products, and radio and television services prescribed in specialized laws.”

2. To amend and supplement Point c, Clause 1, Article 2 as follows:

“c/ Foreign traders and organizations engaged in e-commerce activities specified in Section 5, Chapter IV of this Decree in Vietnam.”

3. To add Clause 16 to Article 3 as follows:

“16. E-commerce services means e-commerce activities in which a trader or an organization providing e-commerce services establishes an e-commerce website serving as an environment for other traders, organizations and individuals to conduct trade promotion, goods sale or service provision activities.

Traders or organizations providing e-commerce services do not include traders and organizations that provide only website design services and do not directly participate in business, management or coordination activities on such websites.”

4. To amend and supplement Point a, Clause 1, Article 4 as follows:

“a/ Taking advantage of e-commerce activities to conduct business by the multi-level marketing mode while possessing no multi-level marketing registration certificate in accordance with regulations on management of multi-level marketing activities.”

5. To amend and supplement Clause 1, Article 5 as follows:

“1. Developing, and organizing the implementation of, mechanisms, policies, strategies, master plans and programs on e-commerce development and digital transformation in the field of commerce.”

6. To amend and supplement Clauses 1, 2 and 5, Article 24 as follows:

“1. Traders, organizations or individuals that establish e-commerce websites to serve their trade promotion, goods sale or service provision activities (owners of sales e-commerce websites).

2. Traders or organizations providing e-commerce services.

5. Traders or organizations providing technical infrastructure, logistics services and other support services for e-commerce activities.”

7. To amend and supplement Clause 1, Article 25 as follows:

1. Sales e-commerce websites are e-commerce websites established by traders, organizations or individuals to serve their trade promotion, goods sale or service provision activities.”

8. To amend and supplement a number of points and clauses of Article 26 as follows:

a/ To amend and supplement Point c, Clause 3, and Clause 4, of Article 26 as follows:

“3. Principles of determination of the obligation to protect consumer interests in e-commerce activities

c/ In case traders or organizations providing e-commerce services provide consumers with information on goods and services of sellers on e-commerce websites, they are the third party in providing information as specified by the law on protection of consumer interests.

4. Principles of trading in goods and provision of services restricted from business or subject to conditional business or falling in sectors or trades subject to conditional business investment via e-commerce

E-commerce activities for goods or services restricted from business or subject to conditional business or falling in sectors or trades subject to conditional business investment must comply with relevant laws.”

b/ To add Clause 5 to Article 26 as follows:

“5. Subjects engaged in e-commerce activities shall comply with the laws on information security and cyber security and other relevant laws.”

9. To amend and supplement Clauses 1 and 7, Article 27 as follows:

“1. To notify the Ministry of Industry and Trade of the establishment of sales e-commerce websites as prescribed in Section 1, Chapter IV of this Decree if such websites have the function of online ordering.

7. To store information on transactions conducted via websites in accordance with the law on accounting; to fulfill tax obligations as prescribed by law.”

10. To add Point dd to Clause 2, Article 28 as follows:

“dd/ Being published on website homepages with links to the information specified in Articles 32, 33 and 34 of this Decree, in case such websites have the function of online ordering.”

11. To amend and supplement Clause 3, Article 29 as follows:

“3. Telephone number or another online contact method for receiving reports on quality of goods or services.”

12. To amend and supplement Article 30 as follows:

“Article 30. Information about goods or services

1. For goods or services introduced on websites, sellers shall provide information that helps customers accurately identify features of goods or services in order to avoid misunderstanding when deciding to make a proposal for entry into contracts.

2. Information about goods published on websites must include contents that are compelled to be shown on goods labels in accordance with the law on goods labeling, except information of product-specific nature such as year, month or date of manufacture; expiry date; manufacturing lot number; or frame number or engine number.

3. Goods sellers or service providers must meet investment and business conditions for sectors or trades on the list of sectors and trades subject to conditional business investment, and shall publicize the number, date and place of issuance of licenses or certificates of eligibility, written certifications, or other forms of document under regulations on business conditions for such sectors or trades”.

13. To amend and supplement Point b, Clause 1, Article 32 as follows:

“b/ Goods inventory policies; return policies, including time limit for return and method of return or exchange of goods purchased, method of getting refunds, and expenses for such return;”

14. To add Point d to Clause 1, Article 33 as follows:

“d/ Responsibilities of traders or organizations providing logistics services for provision of documents of goods in the process of delivery.”

15. To amend and supplement Clause 2, Article 35 as follows:

“2. Forms of operation of e-commerce trading floors:

a/ Websites that allow participants to open booths for display and introduction of goods or services;

b/ Websites that allow participants to open accounts for entering into contracts with customers;

c/ Websites that have a purchase and sale section allowing participants to post news on purchase and sale of goods and services;

d/ Social networks with one of the forms of operation specified at Points a, b and c of this Clause on which participants directly or indirectly pay charges for performance of such operations.”

16. To amend and supplement a number of clauses of Article 36 as follows:

a/ To amend and supplement Clauses 1, 3, 8 and 9, Article 36 as follows:

“1. To register for establishing websites providing e-commerce trading floor services under Section 2, Chapter IV of this Decree and publish information on website owners as specified in Article 29 of this Decree on the website homepage.

3. To request sellers on the e-commerce trading floor to provide information specified in Article 29 of this Decree upon registration for service use. For foreign sellers, their proper names shall be transcribed to Vietnamese or expressed in Latin characters.

8. To take timely remedial measures upon detection of, or receipt of reports about, violating business acts on the e-commerce trading floor:

a/ To prevent and remove from the website the information on purchase and sale of goods and provision of services on the list of goods and services banned from business or falling into sectors or trades banned from business investment in accordance with law;

b/ To remove information on violating goods and services within 24 hours after receiving a request of a competent state management agency;

c/ To coordinate with intellectual property rights holders in checking and removing products infringing upon intellectual property rights according to the order and procedures specified in the Regulation on operation of the e-commerce trading floor;

d/ To give warnings to individuals, traders or organizations committing violating business acts or refuse to provide services for them for a definite period or permanently;

dd/ To take other measures as specified in the Regulation on operation of the e-commerce trading floor.

9. To assist state management agencies in investigating and handling violating business acts and settling disputes and complaints

a/ To provide information on subjects showing signs or acts of violation on the e-commerce trading floor to competent state management agencies when detecting or receiving such information;

b/ To regularly update keywords as recommended by competent state management agencies and filter information by keyword before information on goods and services is displayed on the website;

c/ To receive and give feedback to information for settling complaints, reports and disputes related to the e-commerce trading floor on the Ministry of Industry and Trade's E-Commerce Management Portal at online.gov.vn."

b/ To add Clause 11 to Article 36 as follows:

"11. For e-commerce trading floors with the function of online ordering, in addition to the above obligations, traders or organizations providing e-commerce trading floor services shall:

a/ Designate focal points to receive requests and provide information online about subjects showing signs of violation of law to state management agencies; such focal points shall provide information within 24 hours from the time of receiving requests so as to promptly serve the inspection, examination, handling of violations and settlement of complaints and denunciations;

b/ Represent foreign sellers on e-commerce trading floors to settle consumers' complaints related to goods and services provided by foreign traders and notify foreign sellers of their tax obligations when participating in e-commerce trading floors in accordance with Vietnam's law;

c/ Act as focal points to receive and settle consumers' complaints in case one transaction conducted on e-commerce trading floors is participated by more than 2 parties;

d/ Store information about ordering transactions conducted on e-commerce trading floors in accordance with the law on accounting;

dd/ Jointly compensate for damage caused in case of breaching the obligations specified in Clauses 8 and 9 of this Article."

17. To amend and supplement a number of points in Clause 2, Article 38 as follows:

a/ To amend and supplement Points c, dd and g, Clause 2, Article 38 as follows:

“c/ Describing the trading process for each form of operation, including the process of goods delivery (if any), in case the e-commerce trading floor applies various forms of operation;

dd/ Rights and obligations of the parties to transactions conducted on the e-commerce trading floor; in case one transaction is participated by more than 2 parties, clearly analyzing responsibilities between the parties selling goods and providing services;

g/ Regulations on information security and mechanisms of inspection and supervision to ensure the provision and management of information on the e-commerce trading floor;”

b/ To add Points m, n and o to Clause 2, Article 38 as follows:

“m/ Responsibilities for providing documents of goods between sellers, e-commerce trading service providers and logistics service providers, in case they enter into a contract on use of logistics services of a third party;

n/ The process of coordination with intellectual property rights holders in checking and removing products infringing upon intellectual property rights on the e-commerce trading floor;

o/ Policies applied generally to transactions conducted on the floor that are related to goods inventory, policy on exchange and return of goods, and refund policy (including cases of refund, procedures for and method of refund to customers), in case the e-commerce trading floor has the function of online ordering.”

18. To amend and supplement Clause 1, Article 53 as follows:

“1. Traders, organizations or individuals shall send an online notice to the Ministry of Industry and Trade of the establishment of sales e-commerce websites via the E-Commerce Management Portal before actually selling goods or providing services to consumers.”

19. To amend and supplement Point a, Clause 3, Article 54 as follows:

“a/ Model of operation organization, including online and offline service provision, promotion and marketing; and logistics activities, for goods.”

20. To amend and supplement Point b, Clause 2, Article 55 as follows:

“b/ A duplicate from the master register or a certified copy or a copy together with the original for collation of the establishment decision (for organizations); or an e-duplicate from the master register or a certified e-copy from the original of the business registration certificate or enterprise registration

certificate (for traders), or business license (for foreign investors or foreign-invested economic organizations);

21. To amend and supplement Clause 1, Article 60 as follows:

“1. Traders or organizations that conduct credit rating of e-commerce websites or provide e-contract certification services shall register such with the Ministry of Industry and Trade.”

22. To amend and supplement Article 63 as follows:

“Article 63. Provision of e-contract certification services

1. Conditions for an entity to provide e-contract certification services:

a/ Being a trader or an organization established under Vietnam’s law;

b/ Having a scheme on service provision, which shall be made according to the form provided in Clause 8 of this Article and appraised by the Ministry of Industry and Trade, and must have at least the following contents:

- Information on the trader or organization, including his/her/its experience and capacity suitable to the provision of e-contract certification services;

- Description of technical plans serving the provision of e-contract certification services, including commentaries on the information technology system; commentaries on technical plans regarding technological solutions, process of operation and certification of e-contracts, covering a plan for storing and ensuring the data integrity of e-documents, a plan for identification and e-certification by the parties involved in the e-contract certification in accordance with law, a plan for searching certified e-contracts on the system; a plan on confidentiality of the system for providing e-contract certification services and customer information confidentiality; and a technical plan to maintain e-contract certification activities and deal with incidents, if any.

2. Obligations of traders and organizations providing e-contract certification services:

a/ To take responsibility for confidentiality and integrity of e-documents they store and certify;

b/ To provide documents to and assist state management agencies in investigating violations related to e-documents they store and certify;

c/ To publicize their regulations on provision of e-contract certification services with contents guided by the Ministry of Industry and Trade;

d/ To ensure connection with the E-Commerce Management Portal, and report on the provision of e-contract certification services to the Ministry of Industry and Trade upon request.

3. A registration dossier must comprise:

a/ An application for registration for provision of e-contract certification services;

b/ A duplicate from the master register or a certified copy or a copy together with the original for collation of the establishment decision (for organizations), or enterprise registration certificate or investment certificate (for traders);

c/ A scheme for provision of e-contract certification services as specified at Point b, Clause 1 of this Article.

4. Process of registration

a/ The submission, receipt and processing of dossiers of registration for provision of e-contract certification services shall be carried out online by the Ministry of Industry and Trade via the E-Commerce Management Portal at www.online.gov.vn;

b/ A trader or an organization shall access the E-Commerce Management Portal to make dossier declaration according to the following 5-step process:

Step 1: The trader or organization registers a system log-in account by providing the following information: his/her/its name, number of the business registration certificate of the trader or number of the establishment decision of the organization; address of his/her/its head office; and contact information, including telephone number, fax number and email address.

Step 2: Within 3 working days after providing the information specified in Step 1, the trader or organization shall receive results from the Ministry of Industry and Trade via the registered email, specifically as follows:

- If the information for account registration is sufficient, the trader or organization will be granted a system log-in account and proceed with Step 3; or,

- If the account registration is rejected or the trader or organization is requested to add information, he/she/it shall make registration again or add information as requested.

Step 3: The trader or organization shall log in to his/her/its account on the system, select the item “Registration for e-contract certification service provision”, and fill information in a set form and attach it to the registration dossier.

Step 4: Within 20 days after registering the service provision specified in Step 3, the trader or organization shall receive feedback from the Ministry of Industry and Trade via his/her/its registered email, specifically as follows:

- Certifying that the registration dossier is complete and valid, and requesting the trader or organization to proceed with Step 5; or,
- Notifying that the registration dossier is invalid or requesting information addition. In this case, the trader or organization shall turn back to Step 3 for making declaration again or adding information as requested.

Step 5: After receiving the certification that the dossier is complete and valid, the trader or organization shall send a complete paper dossier to the Ministry of Industry and Trade (the Vietnam E-Commerce and Digital Economy Agency).

c/ Traders and organizations shall follow up the dossier processing via their emails or granted system log-in accounts in order to update or modify information as requested;

d/ Within 30 working days after being requested to add information mentioned in Step 4 specified at Point b of this Clause, if traders or organizations make no reply, their registration dossiers on the system will be invalidated and they shall make registration again.

5. Registration certification

a/ The time limit for registration certification is 7 working days after receiving a complete and valid paper dossier sent by a trader or an organization by hand-delivery or by post to the Ministry of Industry and Trade (the Vietnam E-Commerce and Digital Economy Agency) upon completing the registration process. In case the paper dossier is inconsistent with documents or information declared online by the trader or organization, the Ministry of Industry and Trade shall notify such via the email registered by the trader or organization for dossier completion;

b/ When certifying the registration, the Ministry of Industry and Trade shall send a notice of registration certification to the trader or organization via his/her/its registered email and include his/her/its name in the list of e-contract certification service providers registered on the E-Commerce Management Portal;

c/ After the registration is certified, the list of websites stuck with the registration certification icon shall be publicized on the E-Commerce Management Portal;

d/ Within 15 days after the Ministry of Industry and Trade certifies the registration under Point b of this Clause, if the trader or organization fails to send a paper dossier for certification, he/she/it shall make registration again.

6. Change in or addition of registered information

a/ A trader or an organization providing e-contract certification services shall notify the change in or addition of registered information within 7 working days after the occurrence of a change in the registration dossier specified in Clause 3 of this Article;

b/ The notification of change in or addition of registered information shall be carried out online via the system log-in account granted upon registration or such notice shall be sent by hand-delivery or by post to the Ministry of Industry and Trade (the Vietnam E-Commerce and Digital Economy Agency), enclosed with copies of supporting papers or documents (if any);

3. Within 7 working days after receiving the trader's or organization's adequate and accurate notice specified at Point b of this Clause, the Ministry of Industry and Trade shall consider certifying or refusing to certify the changed or added information and send its reply to the trader or organization via the latter's granted system log-in account; in case of refusal, it shall clearly state the reason.

7. Deregistration or termination of registration

a/ The Ministry of Industry and Trade shall make deregistration for a trader or an organization providing e-contract certification services that:

- Commits a fraud or provides forged information upon making registration;
- Takes advantage of the provision of e-contract certification services for earning illicit profits;
- Fails to strictly observe the contents provided in the scheme for and regulation on provision of e-contract certification services specified in this Article; or,
- Fails to perform the obligations specified in Clause 2 of this Article.

b/ The Ministry of Industry and Trade shall terminate the registration for a trader or an organization providing e-contract certification services that:

- Requests termination of the registration;
- Fails to provide e-contract certification services for 3 months after the registration for e-contract certification service provision is certified.

c/ At least 15 days before stopping his/her/its operation, a trader or an organization providing e-contract certification services shall notify such to the

Ministry of Industry and Trade for termination of registration. The notification shall be carried out online via the granted system log-in account or such notice shall be sent by hand-delivery or by post to the Ministry of Industry and Trade (the Vietnam E-Commerce and Digital Economy Agency).

d/ When terminating the registration or making deregistration, the Ministry of Industry and Trade shall remove names of traders or organizations from the list of registered e-contract certification service providers and, at the same time, remove the registration certification icons of such traders or organizations from the E-Commerce Management Portal.

8. The Ministry of Industry and Trade shall guide traders and organizations to formulate regulations on e-contract certification service provision, and issue a form for registration applications and a model scheme for e-contract certification service provision.”

23. To add Point dd to Clause 2, Article 64 as follows:

“dd/ To provide provincial-level Departments of Industry and Trade with tools for search, management of notified information and registration of e-commerce activities of traders, organizations and individuals in their localities.”

24. To add Section 5 below Section 4, Chapter IV: Management of e-commerce activities, as follows:

“Section 5

E-COMMERCE ACTIVITIES OF FOREIGN TRADERS AND ORGANIZATIONS

Article 67a. Foreign traders and organizations having e-commerce service websites in Vietnam

1. Foreign traders or organizations having e-commerce service websites in Vietnam are traders or organizations whose operations are conducted in one of the following forms:

a/ E-commerce websites under Vietnamese domain name;

b/ E-commerce websites displayed in Vietnamese;

c/ E-commerce websites with more than 100,000 turns of transactions originating from Vietnam in a year.

2. The foreign traders or organizations having e-commerce service websites in Vietnam specified in Clause 1 of this Article shall register their e-commerce activities under this Decree and establish their representative offices in Vietnam in accordance with law or designate their authorized representatives in Vietnam.

The scope of operation of representative offices or the scope of authorization must ensure performance of the responsibilities specified in Clause 5 of this Article.

3. Customs procedures for imported and exported goods traded via e-commerce shall be carried out in accordance with the customs law.

4. The turn of transactions originating from Vietnam shall be calculated based on:

a/ Reports of traders or organizations in accordance with this Decree;

b/ Official data from Vietnam's competent state management agencies, including customs offices; state management agencies in charge of the Internet; and state management agencies in charge of banking and taxation;

c/ Available and publicized reports and information of which the authenticity can be proved by related state management agencies.

5. Responsibilities of foreign traders and organizations having e-commerce services websites in Vietnam

a/ To coordinate with state management agencies in preventing transactions in goods and services in violation of Vietnam's law;

b/ To perform the obligations concerning consumer rights protection and assurance of product and goods quality in accordance with Vietnam's law;

c/ To perform the reporting obligation specified in Article 57 of this Decree. Article 67b. Foreign traders and organizations selling goods on Vietnamese e-commerce trading floors

1. Foreign traders and organizations shall sell goods under the Regulation on operation of Vietnamese e-commerce trading floors.

2. Traders and organizations providing Vietnamese e-commerce trading floor services shall authenticate the identity of foreign traders and organizations selling goods on such e-commerce trading floors, and may perform one of the following responsibilities:

a/ To request traders to exercise the export and import rights applicable to foreign traders without presence in Vietnam in accordance with law;

b/ To organize import activities as entrusted by purchasers in respect of the goods traded by foreign traders and organizations on e-commerce trading floors;

c/ To request foreign traders and organizations to designate their commercial agents in Vietnam.

3. Customs procedures for imported and exported goods traded via e-commerce shall be carried out in accordance with the customs law.

Article 67c. Market access conditions for foreign investors in the field of e-commerce services

1. The provision of e-commerce services is one of sectors and trades in which foreign investors are subject to conditional market access.

2. Market access conditions:

a/ Foreign investors shall invest in provision of e-commerce services in Vietnam in accordance with Clauses 1 and 2, Article 21 of the Law on Investment;

b/ The investment by a foreign investor that controls one or more enterprise(s) in a group of 5 leading enterprises in the e-commerce service market in Vietnam as listed by the Ministry of Industry and Trade is subject to appraisal opinion on national security from the Ministry of Public Security.

3. A foreign investor will be regarded as controlling an enterprise providing e-commerce services specified at Point b, Clause 2 of this Article when:

a/ It/he/she holds more than 50% of charter capital or more than 50% of total voting shares of the enterprise;

b/ It/he/she may directly or indirectly decide to appoint, relieve from duty or remove from office the majority or all of members of the Board of Directors, Chairperson of the Members' Council, or Chief Executive Officer of the enterprise;

c/ It/he/she may decide on important matters concerning the enterprise's business operation, including selection of technology platform and form of business organization; selection of business lines, areas and forms; selection for adjustment of the business scope and lines; and selection of form and method of mobilization, distribution and use of the enterprise's capital for business.

4. The group of 5 leading enterprises in the e-commerce service market mentioned at Point b, Clause 2 of this Article shall be selected based on such criteria as number of website visits, number of sellers, number of transactions, and total transaction value.

5. For the case specified at Point b, Clause 2 of this Article, the investor shall, in the course of requesting the grant or modification of its/his/her business license under the Government's regulations on goods purchase and sale and activities directly related goods purchase and sale by foreign investors and foreign-invested economic organizations, comply with the following provisions:

a/ Before giving opinions on the dossier for grant or modification of the business license according to its competence, the Ministry of Industry and Trade shall send a request to the Ministry of Public Security for opinion;

b/ Within 20 days after receiving the Ministry of Industry and Trade's request, the Ministry of Public Security shall send a document stating its approval or disapproval of the investor's request to the Ministry of Industry and Trade;

c/ Based on the opinions of the Ministry of Public Security, the Ministry of Industry and Trade shall send a written reply to the business license-issuing agency under regulations;

d/ The time limit for consulting the Ministry of Public Security shall not be included in the time limit for the Ministry of Industry and Trade to give its approval under regulations.

6. Investors that invest in innovative startup small- or medium-sized enterprises in accordance with the law on support for small- and medium-sized enterprises are not required to comply with Clause 2 of this Article.”

25. To amend and supplement Article 80 as follows:

“Article 80. Organization of implementation

1. The Ministry of Industry and Trade shall:

a/ Manage e-commerce activities, and promote digital transformation in the field of commerce;

b/ Coordinate with the Ministry of Information and Communications and Ministry of Public Security in ensuring information security and cyber security for e-commerce activities; propose the Ministry of Public Security to handle acts of violation of regulations on cyber security in e-commerce in accordance with law;

c/ Organize the dissemination and communication of the law on e-commerce activities;

d/ Conduct inspection and examination, settle complaints and handle violations in e-commerce activities;

dd/ Guide and inspect the organization of implementation of this Decree.

2. The Ministry of Information and Communications shall:

a/ Coordinate with the Ministry of Industry and Trade in providing information and sharing data on Internet management for websites with e-commerce activities in Vietnam;

b/ Assume the prime responsibility for, and coordinate with the Ministry of Industry and Trade in, ensuring cyber security in e-commerce, revoking the domain name “.vn” and taking measures to handle violations for e-commerce websites in accordance with the law on sanctioning of administrative violations.

3. The Ministry of Finance shall:

a/ Coordinate with the Ministry of Industry and Trade in providing information, connecting and sharing databases on the number of orders for exported and imported goods traded via e-commerce;

b/ Update the list of foreign suppliers that directly carry out tax registration and tax declaration; overseas suppliers that provide e-commerce business and digital platform-based business activities and other services in Vietnam but have not made tax registration, tax declaration and tax payment in Vietnam in accordance with the tax laws on the Portal of the General Department of Taxation.

4. The Ministry of Planning and Investment shall coordinate with the Ministry of Industry and Trade in providing information and sharing data on enterprises that register e-commerce business lines.

5. The Ministry of Public Security shall:

a/ Assume the prime responsibility for ensuring cyber security for e-commerce activities; coordinate with the Ministry of Industry and Trade in providing information on acts of using cyberspace to infringe upon national sovereignty, interests or security, or social order and safety, and preventing and combating cybercrime in e-commerce;

b/ Coordinate in appraising conditions on national security in terms of market access conditions for foreign investors in the field of e-commerce services at the request of the Ministry of Industry and Trade.”

Article 2. To annul a number of provisions of Decree No. 52/2013/ND-CP

1. To annul Clause 2, Article 2; Clause 2, Article 44; Clause 2, Article 60, and Article 62.

2. To annul the phrase “or have not been licensed” at Point d, Clause 1, Article 4; the phrase “or applying for a license” at Point e, Clause 1, Article 4; the phrase “licensed” at Point b, Clause 3, Article 9; the phrase “procedures for application for licenses” at Point c, Clause 2, Article 64; the phrase “having their licenses invalidated or revoked” at Point 1, Clause 1, Article 78; and the phrase “deprive of the right to use licenses” in Clause 2, Article 78.

Article 3. Implementation provisions

1. This Decree takes effect on January 1, 2022.

2. Transitional provisions:

a/ Within 180 days from the effective date of this Decree, traders, organizations and individuals having the notification and registration of their e-commerce activities certified by the Ministry of Industry and Trade under Decree No. 52/2013/ND-CP shall amend and supplement their notification and registration in accordance with this Decree;

b/ Traders, organizations and individuals that have submitted dossiers for notification and registration of their e-commerce activities but not yet obtained certification by the Ministry of Industry and Trade before the effective date of this Decree shall carry out their notification and registration in accordance with this Decree;

c/ Within 12 months from the effective date of this Decree, the traders and organizations specified in Articles 67a and 67c shall carry out the procedures and perform their obligations in accordance with this Decree.

3. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.-

On behalf of the Government

For the Prime Minister

Deputy Prime Minister

LE VAN THANH