

**THE MINISTRY OF  
INDUSTRY AND TRADE**

-----

No.: 47/2014/TT-BCT

**SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom - Happiness**

-----

*Hanoi, December 05, 2014*

**CIRCULAR**

**REGULATIONS ON MANAGEMENT OF E-COMMERCE WEBSITES**

*Pursuant to the Government's Decree No. 95/2012/NĐ-CP dated November 12, 2012 defining functions, duties, authorities and organizational structures of the Ministry of Industry and Trade;*

*Pursuant to the Government's Decree No. 52/2013/NĐ-CP dated May 16, 2013 on e-commerce;*

*Pursuant to the Government's Decree No.59/2006/NĐ-CP dated June 12, 2013 regulating in detail the law on goods and services banned, restricted from business, and subject to conditional business;*

*The Minister of Industry and Trade has promulgated the Circular regulating the management of e-commerce websites.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Governing scope**

1. This Circular regulates in detail and guides the implementation of some articles of the Government's Decree No. 52/2013/NĐ-CP dated May 16, 2013 on e-commerce (hereinafter referred to as the Decree No. 52/2013/NĐ-CP) regulating business activities on e-commerce websites, sequence and procedures of notifying and registering e-commerce websites, e-commerce websites rating activities and publishing information on e-commerce management portal.

2. This Circular does not apply to websites in finance, banking, credit, insurance; websites in purchase and exchange of money, gold, foreign exchange and other payment means; websites providing online games, betting or games of chance. Such websites are subject to jurisdiction of corresponding sector management.

**Article 2. Regulated entities**

This Circular applies to:

1. Traders, organizations, individuals selling goods on their own websites (hereinafter referred to as owners of online shopping websites).
2. Traders, organizations that own websites for providing e-commerce services (hereinafter referred to as owners of e-commerce service websites).
3. Sellers on e-commerce service websites.
4. Traders, organizations specialized in rating e-commerce websites
5. Organizations, individuals carrying out online reflection on e-commerce management portal.

**Article 3. Trading goods and services subject to restrictions and conditional business on e-commerce websites;**

1. Traders, organizations, and individuals are not permitted to use e-commerce websites to trade in goods and services subject to restrictions as follows:
  - a) Shotguns and bullets, sporting weapons, combat gear;
  - b) Cigarettes, cigars and other finished products of tobacco.
  - c) Alcoholic drinks;
  - d) Precious and rare wildlife and plants including live species and their processed parts;
  - dd) Other goods restricted from trading under the law.
2. Traders that own websites for the sale of goods and services subject to conditional business should post on their websites information of the Certificate of fulfillment of business conditions granted for businesses that have met conditions for trading such goods and services.

**Article 4. Responsibilities of traders, organizations providing e-commerce services**

1. Comply with the provisions set out in Article 36 of the Decree No.52/2013/NĐ-CP.
2. Request traders, organizations and individuals as sellers on e-commerce exchanges to provide the information as prescribed in Clauses 1, 2 and 3 of Article 29 of the Decree No.52/2013/NĐ-CP upon registering for use of service.
3. Prevent and eliminate from the websites any information of goods and services banned or restricted from trading according to the provisions set out in Clause 1, Article 3 hereof.
4. Eliminate from the websites any information of counterfeits, illegally imported goods or goods in breach of intellectual property rights and other regulations upon detection or receiving authentic reports on such information.

5. Request sellers of goods and services subject to conditional business on their websites to provide their Certificates of fulfillment of business conditions granted for businesses that have met conditions for trading such goods and services (in case of being requested by the law)

**Article 5. Responsibilities of traders, organizations and individuals for executing procedures for notifying and registering e-commerce websites.**

1. Owners of online shopping websites should make notification to the Ministry of Industry and Trade according to the provisions set out in Section 1, Chapter II hereof.
2. Owners of e-commerce service websites must register with the Ministry of Industry and Trade according to the provisions set out in Section 2, Chapter II hereof.
3. Any owner of an online shopping website that is also an e-commerce website must notify and register with the Ministry of Industry and Trade according to the provisions set out in Chapter II hereof.

**Article 6. Management of business activities on social networks**

1. Social networks having one of the functions as defined in Points a, b and c, Clause 2, Article 35 of the Decree No.52/2013/NĐ-CP should register with The Ministry of Industry and Trade in the form of e-commerce exchanges.
2. Owners of social networks as defined in Clause 1 of this Article should be responsible for providing e-commerce exchange services as regulated by the law.
3. Sellers on social networks as defined in Clause 1 of this Article should comply with the provisions set out in Article 37 of the Decree No.52/2013/NĐ-CP.

**Article 7. Websites of online promotion**

Websites of online promotion as defined in Clause 10, Article 3 of the Decree No.52/2013/NĐ-CP include :

1. Websites as defined in Points a, b, Clause 2, Article 39 of the Decree No.52/2013/NĐ-CP include:
  - a) Offering freebies or samples for customers to try.
  - b) Selling goods at cheaper prices for a certain period of time or to specific number of customers;
  - c) Other manners according to the Law on promotion.

## **Chapter II**

### **PROCEDURES FOR NOTIFYING AND REGISTERING E-COMMERCE WEBSITES**

#### **Section 1. NOTIFYING ONLINE SHOPPING WEBSITES**

##### **Article 8. Entities to notify online shopping websites**

Entities to notify online shopping websites comprise:

1. Traders.
2. Organizations whose functions and duties include selling of goods and services, or other e-commerce activities.
3. Individuals who are granted personal tax identification numbers and are not required to apply for business registration according to the provisions of the law on business registration.

##### **Article 9. Notification process**

1. Notifications of online shopping websites shall be received and processed online by the Ministry of Industry and Trade on the e-commerce management portal at [www.online.gov.vn](http://www.online.gov.vn).
2. Every owner of online shopping websites shall access to the e-commerce management portal and execute the following steps:

Step 1: The website owner shall register for access to the system by providing the following information:

- The website owner's name;
- Business registration No. of traders or Establishment decision No. of organizations, or personnel tax codes of individuals;
- Business lines;
- Addresses of traders and organizations' head offices or permanent addresses of individuals;
- Contact information

Step 2: Within three working days, traders, organizations or individuals shall receive results from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- If registration information for an account is adequate, traders, organizations and individuals shall be granted an account and proceed Step 3:

- If registration is rejected or additional information is required, traders, organizations and individuals should carry out the registration again or provide additional information as requested.

Step 3: After being granted an account for access to the system, traders, organizations and individuals shall carry out logging on, select online shopping website registration and fill in the forms as instructed.

Step 4: Within a period of three working days, traders, organizations or individuals shall receive responses from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- Confirmations that the declared information is adequate and eligible;

- Notification that the declared information is inadequate or invalid; In this case, traders, organizations and individuals should return to Step 3 for declaration again or providing additional information as requested.

3. Traders, organizations and individuals shall be responsible for following up the handling of the documents via emails or granted account to carry out updating and revising the information as requested.

4. Within a period of 10 working days since receipt of request for additional information in Step 4 as prescribed in Clause 2 of this Article, if traders, organizations and individuals receive no responses, the documents shall be terminated and notification shall resume from Step 3.

#### **Article 10. Confirmations of notification**

1. Time limit for confirmation of notification is three working days since receipt of adequate and valid notification documents sent by traders, organizations and individuals.

2. Upon confirmation of notification, the Ministry of Industry and Trade shall send to traders, organizations and individuals via a registered email a code segment for insertion into the online shopping website and displayed onscreen as a “notified” sign. Upon choosing this sign, users shall be led to respective notification information about traders, organizations and individuals on e-commerce management portal.

#### **Article 11. Changing, terminating notified information**

1. In case there is a change to the information as defined in Clause 2, Article 53 of the Decree 52/2013/NĐ-CP or the notified website is suspended, the website owner shall make a written notice to the Ministry of Industry and Trade within 07 working days since such change or suspension of the website takes place.

2. Change or postponement of the notified information about the online shopping website shall be done online via the account to access the system granted to traders, organizations and

individuals when carrying out the notification according to the provisions set out in Article 9 hereof.

3. Time limit for confirmation of change and postponement of notification is three working days since receipt of adequate and accurate notification sent to the Ministry of Industry and Trade by traders, organizations and individuals according to the provisions set out in Clause 2 hereof.

#### **Article 12. Regular updating of notification**

1. Once a year since the receipt of confirmation of notification, traders, organizations and individuals are responsible for updating notification by accessing the e-commerce management portal and filling in the forms as instructed.

2. Within 10 working days since the obligations to update information are performed, if traders, organizations and individuals fail to do the updating, the Ministry of Industry and Trade shall issue a written warning via an account registered by traders, organizations and individuals on the e-commerce websites. Within 15 working days since dispatch of the written warning, if any trader, organization or individual fails to give responses, the Ministry of Industry and Trade shall postpone the notification information on the e-commerce management portal.

### **Section 2. REGISTRATION FOR E-COMMERCE SERVICE WEBSITES**

#### **Article 13. Registrants**

Registrants mean traders or organizations operating in trade promotion or enterprise support, having e-commerce websites providing at least one of the following services:

1. E-commerce exchange services
2. Online promotion services
3. Online auction services

#### **Article 14. Registration documents**

1. Registration form for e-commerce service websites (according to Form TMĐT-1 in the Appendix enclosed herewith).
2. An authenticated copy of Establishment Decision (for organizations), Certificate of Enterprise Registration or Investment Certificate (for traders)
3. Plans to provide services according to the provisions set out in Clause 3, Article 54 of the Decree No.52/2013/NĐ-CP.
4. Statute of management of e-commerce service websites comprises:

- a) Subject matters as set out in Article 38 of the Decree No.52/2013/NĐ-CP;
  - b) Method and time limit for handling violations of the e-commerce service websites upon detection.
5. Forms of service contract or cooperation agreement between traders and organizations that are in possession of e-commerce service websites and traders, organizations and individuals who take part in the buying and selling of goods and services on such websites.
6. General trading conditions applied to the buying and selling of goods and services on the website (if any)

### **Article 15. Process of registration**

1. Receipt and handling of the registration documents for e-commerce service websites shall be done online by the Ministry of Industry and Trade on the e-commerce management portal.
2. To declare information, traders and individuals should access the e-commerce management portal and do the following steps:

Step 1: Traders and organizations register for the account to access the system by providing the following information:

- Names of traders and organizations;
- Business registration No. of traders or Establishment decision No. of organizations;
- Areas of business;
- Addresses of traders and organizations' head offices;
- Contact information

Step 2: Within three working days, traders, organizations or individuals shall receive results from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- If registration information for an account is adequate, traders and organizations shall be granted an account and continue Step 3:
- If the registration is rejected or supplements are required, traders and organizations should carry out registration again or supplement the information as requested.

Step 3: After being granted an account for access to the system, traders and organizations shall carry out logging on, choose a feature “registration for e-commerce service websites, fill in the

forms as instructed and enclose registration documents according to the provisions set out in Article 14 hereof .

Step 4: Within a period of seven working days, traders and organizations shall receive responses from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- Confirmations that the documents are adequate and eligible and traders; requests for traders and organizations to do Step 5;
- Notice the documents are inadequate or requests for supplements. In this case, traders and organizations should return to Step 3 for declaration again or supplementing the information as requested.

Step 5: After receipt of the notice confirming adequacy and eligibility of the documents, traders and organizations shall send to the Ministry of Industry and Trade (Department of E-commerce and Information Technology) a complete registration dossier (hard copy) according to the provisions set out in Article 14 hereof.

3. Traders and organizations shall be responsible for following up the handling of the documents via emails or granted accounts to carry out updating and revising the information as requested.

4. Within a period of 30 working days since receipt of request for supplements of information in Step 4 as prescribed in Clause 2 of this Article, if traders and organizations receive no responses, the documents shall be terminated and registration should start again from the beginning.

## **Article 16. Confirmation of registration**

1. Time limit for confirmation of registration: 05 working days since receipt of full and eligible registration documents (hard copy) sent directly or by post to the Ministry of Industry and Trade (Department of E-commerce and Information Technology) when the procedures of registration are completed according to the provisions set out in Clause 2, Article 15 hereof. In case the documents (hard copy) do not match the information declared online via the user account, the Ministry of Industry and Trade shall make a written notice to traders and organizations via registered emails for completion of the documents.

2. Upon confirmation of the documents, the Ministry of Industry and Trade shall send to traders and organizations via registered emails a code segment for insertion into the e-commerce service websites and displayed on-screen as a "registered" sign. Upon choosing this sign, users shall be led to respective registration information about traders and organizations on e-commerce management portal.

## **Article 17. Amending and supplementing registered information**

1. In case there is a change to the registered information concerning the websites providing e-commerce services according to the provisions set out in Clause 1, Article 56 of the Decree No.

52/2013/NĐ-CP, traders and organizations should make a written notice to the Ministry of Industry and Trade within seven working days since such change takes place.

2. The notification is done online via granted user account or sent by post to the Ministry of Industry and Trade (Department of E-commerce and Information Technology), enclosed with papers and documents proving such change (if any).

3. Within seven working days since receipt of adequate and accurate notification from traders and organizations according to the provisions set out in Clause 2 hereof, the Ministry of Industry and Trade shall carry out confirmation of the amended and supplemented information and send it back to traders and organizations via granted user account; in case no confirmation is made, reasons shall be stated.

#### **Article 18. Postponement of registration**

1. The Ministry of Industry and Trade has the right to terminate registration for e-commerce service websites according to the provisions set out in Clause 3, Article 56 of the Decree No.52/2013/NĐ-CP.

2. Traders and organizations should make a written notice to the Ministry of Industry and Trade before seven working days upon suspension or transfer of e-commerce websites for the postponement of registration. Such notification is done online via granted user account or sent by post to the Ministry of Industry and Trade (Department of E-commerce and Information Technology).

3. Traders and organizations' e-commerce service websites shall be terminated in the following cases:

a) Undertake prohibited acts in e-commerce activity according to the provisions set out in Article 4 of the Decree No.52/2013/NĐ-CP;

b) Fail to perform reporting obligations according to the provisions set out in Article 57 of the Decree No. 52/2013/NĐ-CP and continue to commit violations after being warned.

c) Be suspended from e-commerce activities according to decisions made by competent authorities;

d) Fail to perform obligations as defined in Article 4 hereof and continue to commit violations after being warned.

4. Information about terminated e-commerce service websites shall be publicized on e-commerce management portal.

#### **Section 19. Repeat registration for e-commerce service websites**

1. Upon receipt of transfer of e-commerce service websites, traders and organizations should register again according to the provisions set out in Article 5 hereof.
2. Time limit for registration to traders and organizations is not permitted to exceed 30 days since the receipt of such transfer.
3. E-commerce service websites with registration being terminated and subject to the provisions set out in Points a, c, d, Clause 3 of Article 18 hereof shall be allowed to carry out the registration again if meeting the following conditions:
  - a) Have overcome breaches resulting in the postponement of registration or the time limit for suspension of e-commerce operation according to the decisions made by competent agencies is expired;
  - b) Have met conditions for owning e-commerce service websites according to the provisions set out in Article 54 of the Decree No.52/2013/NĐ-CP.

**Section 20. Periodical reporting obligations of traders and organizations with e-commerce service websites being already registered.**

1. Before January 15 annually, traders and organizations building e-commerce service websites should report statistical figures of the preceding year's performance to the Ministry of Industry and Trade.
2. Reporting shall be done online on the e-commerce management portal via user accounts of traders and organizations or via written communication by post.
3. To serve the investigation and inspection carried out by regulatory agencies or to clarify reflections from organizations or individuals according to the provisions set out in Article 32 hereof, traders and organizations building e-commerce service websites should explain and provide information concerning activities of their websites as requested by the Ministry of Industry and Trade.

**Chapter III**

**PROCEDURES FOR REGISTRATION FOR E-COMMERCE WEBSITE RATING**

**Article 21. Subjects for registration**

Subjects for registration for e-commerce website rating are individuals, organizations that are established under Vietnamese Law and are one of the followings:

1. Trade promotion or enterprise support organizations
2. Media agencies, industry trade associations or consumer protection organizations.

3. Traders that already register for e-commerce service industry and have developed the operation to provide such services.

## **Article 22. Registration documents**

1. Registration form for e-commerce website rating (according to Form TMĐT-2 in the Appendix enclosed herewith).

2. An authenticated copy of Establishment Decision (for organizations), Certificate of Enterprise Registration or Investment Certificate (for traders)

3. Plan for e-commerce website rating comprise at least:

a) Official name of e-commerce website rating program

b) Purpose of e-commerce website rating

c) Explanations of experience and qualification appropriate for website rating;

d) Scope of rating appropriate for scope of activity of traders and organizations;

dd) Time and frequency of rating

e) Subjects or types of e-commerce websites for rating;

g) Criteria for rating an e-commerce website including criteria for completion of notification or registration with the Ministry of Industry and Trade according to the provisions set out in the Decree No. 52/2013/NĐ-CP;

h) Process and manner of e-commerce website rating

i) Manner of organizing rating and selecting personnel to do the rating;

k) A designed "credit" sign shall be displayed on the rated e-commerce website;

l) Plan of surveillance of operation of the e-commerce websites displayed with a 'credit' sign.

m) Rights and obligations of the rating party and the party website of which is rated

## **Article 23. Process of registration**

1. Receipt and handling of registration documents for e-commerce website rating shall be done online by the Ministry of Industry and Trade on the e-commerce management portal.

2. To declare information, traders and organizations should access the e-commerce management portal and do the following steps:

Step 1: Traders and organizations register for a user account to access the system by providing the following information:

- Names of traders and organizations;
- Business registration No. of traders or Establishment decision No. of organizations;
- Areas of business;
- Addresses of traders and organizations' head offices;
- Contact information including telephone number, facsimile and emails.

Step 2: Within a period of three working days, traders and organizations shall receive results from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- If registration information for an account is adequate, traders and organizations shall be granted an account and continue Step 3:
- If the registration for an account is rejected or supplements are required, traders and organizations should carry out registration again or supplement the information as requested.

Step 3: Traders and organizations shall log on, choose “registration for e-commerce website rating” feature, fill in the forms as instructed and attached with registration documents as prescribed in Article 22 hereof.

Step 4: Within a period of 15 working days, traders and organizations shall receive responses from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- Confirmations that the documents are adequate and eligible and traders and organizations are requested to continue Step 5;
- Notices that the documents are inadequate documents, or requests for supplements. In this case, traders and organizations should return to Step 3 for declaration again or supplementing the information as requested.

Step 5: After receipt of the notice confirming adequacy and eligibility of the documents, traders and organizations shall send to the Ministry of Industry and Trade (Department of E-commerce and Information Technology) a complete registration dossier (hard copy) according to the provisions set out in Article 22 hereof.

3. Traders and organizations shall be responsible for following up the handling of the documents via emails or granted user accounts to carry out updating and revising the information as requested.

4. Within a period of 30 working days since receipt of request for supplements of information in Step 4 as prescribed in Clause 2 of this Article, if traders and organizations receive no responses, the registration documents shall be terminated and registration should start again from the beginning.

#### **Article 24. Confirmation of registration**

1. Time limit for confirmation of registration: 07 working days since all eligible registration documents (hard copy) is sent by post to the Ministry of Industry and Trade (Department of E-commerce and Information Technology) according to the provisions set out in Clause 2, Article 23 hereof. In case the documents (hard copy) do not match the documents declared online, the Ministry of Industry and Trade shall make a written notice to traders and organizations via emails for completion of documents.

2. Upon confirmation of registration, the Ministry of Industry and Trade shall make a written notice of confirmation to traders and organizations via registered emails and at the same time enter names of such traders and organizations on the list of registered traders and organizations providing rating services on the e-commerce management portal.

3. After registration is confirmed, credit sign of traders, organizations rating e-commerce websites and a list of websites attached with this credit sign shall be publicized on the e-commerce management portal.

#### **Article 25. Amending and supplementing registered information**

1. Traders and organizations rating e-commerce websites should notify amendment and supplementation of registration information within 07 working days since one of the following changes take place:

- a) Names of traders and organizations;
- b) Representatives of traders, organizations; people responsible for e-commerce website rating;
- c) Addresses of head offices or contact information;
- d) Criteria and process of e-commerce website rating or other issues of the e-commerce website rating plan as stipulated in Clause 3, Article 22 hereof.

2. Notification of amendment and addition of information shall be done online via granted user accounts or by documents sent by post to the Ministry of Industry and Trade (Department of E-commerce and Information Technology), attached with papers and materials proving such change (if any).

3. Within seven working days since receipt of adequate and accurate notification from traders and organizations according to the provisions set out in Clause 2 of this Article, the Ministry of Industry and Trade shall carry out confirmation of the amended and supplemented information

and send it back to traders and organizations via granted user accounts; in case no confirmation is made, reasons should be stated.

## **Article 26. Postponement of registration**

1. The Ministry of Industry and Trade shall postpone registration to traders and organizations rating e-commerce websites in the following cases:

- a) As proposed by such traders and organizations;
- b) Traders and organizations stop activities of e-commerce website rating;
- c) Traders and organizations that have registered operation of website rating with a regular and continuous frequency of rating but are not engaged in such activity.
- d) Traders and individuals rating e-commerce websites do not perform their obligations according to the provisions set out in Clause 4, Article 61 of the Decree No. 52/2013/NĐ-CP and continue offences after being warned.
- dd) Traders and individuals rating e-commerce websites are terminated do not perform their obligations according to the provisions set out in Clause 2, Article 61 of the Decree No. 52/2013/NĐ-CP and continue offences after being warned.

2. When stopping operation of e-commerce websites, traders and organizations rating e-commerce websites should make notification to the Ministry of Industry and Trade before 15 working days for postponement of registration. Such notification is done online via granted user accounts or by post to the Ministry of Industry and Trade (Department of E-commerce and Information Technology).

3. Upon postponement of registration, the Ministry of Industry and Trade shall withdraw names of traders and organizations from the list of registered e-commerce website traders and organizations and at the same time remove credit signs and the list of websites attached with this credit sign from the e-commerce management portal.

## **Section 27. Periodical reporting obligations of traders and organizations rating e-commerce websites.**

1. Before fifth day of each month, traders and organizations should update on the e-commerce management portal the list of e-commerce websites attached with a credit sign up to the end of the preceding month.

2. Before January 15 annually, traders and organizations rating e-commerce websites should report performance of rating in the preceding year to the Ministry of Industry and Trade via user accounts of traders and organizations on the e-commerce management portal.

3. To serve the investigation and inspection carried out by regulatory agencies or to clarify reported information from organizations or individuals according to the provisions set out in Article 31 hereof, traders and organizations rating e-commerce websites shall report and provide information about the websites attached with credit signs at the request of the Ministry of Industry and Trade.

## **Chapter IV**

### **PUBLISHING INFORMATION ON E-COMMERCE MANAGEMENT PORTAL.**

#### **Article 28. Publish a list of e-commerce websites already notified and registered**

1. After the procedures of notification and registration for e-commerce websites are completed under this Circular and confirmed by the Ministry of Industry and Trade, information of such websites shall be entered on the list of notified or registered e-commerce websites for publication on the e-commerce management portal.

2. Information to be published include such information as defined in Clause 2, Article 65 of the Decree No.52/2013/NĐ-CP.

3. When an e-commerce service website is terminated or registration being postponed, information about such website shall be removed from the list and shifted to the mode of terminated websites or registration postponed, or entered on the list of websites in breach of the law according to the provisions set out in Article 30 hereof.

#### **Section 29. Publishing a list of traders and organizations rating e-commerce websites with registration being fulfilled**

1. After traders and organizations rating e-commerce websites complete registration procedures according to the provisions hereof and receive confirmations from the Ministry of Industry and Trade, information of such traders and organizations shall be entered on the list of registered traders and organizations engaging in e-commerce website rating for publication on the e-commerce management portal.

2. Information to be published include such information as defined in Clause 2, Article 66 of the Decree No.52/2013/NĐ-CP.

3. Upon termination or postponement of registration, information about traders and individuals rating e-commerce websites shall be withdrawn from such list and shifted to the mode of postponement of registration or entered on the list of traders and organizations in breach of the law.

#### **Article 30. Publishing a list of e-commerce websites in breach of the law**

1. The Ministry of Industry and Trade shall publish on the e-commerce management portal a list of e-commerce websites in breach of the law according to the provisions set out in Article 4 of

the Decree 52/2013/NĐ-CP and the provisions on handling of administrative violations of e-commerce websites.

2. Information to be published includes:

- a) Names of e-commerce websites;
- b) Names and information of traders, organizations and individuals owning the websites;
- c) Violations committed by traders, organizations and individuals;

**Article 31. Receiving reported information and publishing a list of e-commerce websites with violations being reported**

1. The Ministry of Industry and Trade shall receive reported information from organizations and individuals on the e-commerce management portal about the following acts:

- a) Violate the provisions on notification and registration for e-commerce websites;
- b) Violate the provisions on contracting in e-commerce as set out in the Decree 52/2013/NĐ-CP;
- c) Violate the provisions on responsibilities of owners of online shopping websites or e-commerce service websites as set out in the Decree No.52/2013/NĐ-CP.
- d) Violate the provisions on personnel information protection and payment safety in e-commerce as set out in the Decree No.52/2013/NĐ-CP;
- dd) Other violations as set out in Article 4 of the Decree No.52/2013/NĐ-CP.

2. Organizations and individuals making reports online on the e-commerce management portal should provide the following information:

- a) Full name, ID No., residence address, telephone number and emails of persons that make comments;
- b) Addresses of e-commerce websites where acts reported on take places;
- c) Acts reported on;
- d) Summary of reported information;
- dd) Documents and evidence proving violations (if any)

3. Within a period of 5 working days, traders and individuals that make critical reports shall receive responses from the Ministry of Industry and Trade via granted emails regarding one of the following subject matters:

- Confirmations that reported information is adequate and eligible and included in the number of reports according to the provisions as set out in Point a, Clause 4 hereof;

- Notices that reported information is inadequate, or requests for supplements.

4. Publication of reported information about an e-commerce website on the e-commerce management portal shall be done as follows:

a) Any e-commerce website being reported more than 5 (five) times by different organizations and individuals on one or more acts as prescribed in Clause 1 of this Article shall receive written requests from the Ministry of Industry and Trade for the explanation of such reported information.

b) After 10 working days since receipt of such requests from the Ministry of Industry and Trade, if traders, organizations and individuals fail to respond or provide explanation of the reported information, their websites shall be included in the list of e-commerce websites being reported on and may incur penalties under the law.

## **Chapter V**

### **EXECUTION PROVISIONS**

#### **Article 32. Responsibilities for execution**

1. The Minister of Industry and Trade shall assign the Department of E-commerce and Information Technology to carry out procedures of notification and registration for e-commerce websites, e-commerce website rating and publication on the e-commerce management portal according to the provisions hereof.

2. Agencies and organizations affiliated to the Ministry of Industry and Trade shall be responsible for coordinating and participating in state management of e-commerce activities within their jurisdiction.

3. The Services of Industry and Trade of central-affiliated provinces and cities within their jurisdiction shall be responsible for collaborating with the Department of E-commerce and Information Technology on examining and verifying notification and registration information; following up and publishing information on the e-commerce management portal.

#### **Article 33. Effect**

1. This Circular takes effect since January 20, 2015.

2. This Circular shall replace the Circular 12/2013/TT-BCT dated June 20, 2013 of the Ministry of Industry and Trade defining procedures of notification, registration and publication of e-commerce website related information.

3. Traders, organizations and individuals that executed the notification and registration according to the provisions set out in the Circular No.12/2013/TT-BCT should make additions of information to comply with the provisions hereof within 90 days since the Circular comes into force.

4. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Industry and Trade for consideration and handling./.

**PP THE MINISTER  
DEPUTY MINISTER**

**Trần Tuấn Anh**