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Hanoi, June 20, 2013

CIRCULAR¹

Stipulating on procedures for notifying, registering and publicizing information related to e-commerce websites

Pursuant to the Government's Decree No. 95/2012/ND-CP dated November 12, 2012 defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

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

The Minister of Industry and Trade promulgates the Circular stipulating on procedures for notifying, registering and publicizing information related to e-commerce websites,

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular specifies on the order of and procedures for notification, registration of e-commerce websites, registration of trust evaluation for e-commerce websites and publicizing information on the E-commerce Administration Portal.

Article 2. Subjects of application

This Circular applies to traders, organizations and individuals involved in e-commerce in Vietnam's territory, including:

1. Traders, organizations and individuals setting up e-commerce sale websites.
2. Traders and organizations setting up e-commerce service websites.
3. Traders and organizations conducting trust evaluation for e-commerce websites.

Chapter 2.

**PROCEDURES FOR NOTIFICATION ON AND REGISTRATION FOR
E-COMMERCE WEBSITES**

SECTION 1. NOTIFICATION ON E-COMMERCE SALE WEBSITES

Article 3. Subjects of notification on e-commerce sale websites

Subjects of notification on e-commerce sale websites include:

¹ Translation source: reference on the Internet with modification

1. Traders.
2. Organizations of which functions and tasks include organization of goods sale, service provision or conducting e-commerce activities.
3. Individuals who have been granted with personal income tax code.

Article 4. The process of notification

1. The receipt and handling of notification on e-commerce sale websites are conducted online by the Ministry of Industry and Trade through the E-commerce Administration Portal at www.online.gov.vn.

2. Traders, organizations and individuals setting up e-commerce sale websites may access the E-commerce Administration Portal and implement the following steps:

Step 1: Trader, organization or individual registers an account to log in system by providing the following information:

- Name of trader, organization or individual;
- Number of trader's business registration or number of the establishment decision of organization or individual tax identification number;
- Business/operation fields;
- Head office address of trader, organization or permanent residence of individual;
- Contact information, including telephone, fax numbers and email address.

Step 2: Within 03 (three) working days, the trader, organization or individual will receive result from the Ministry of Industry and Trade through the registered email notifying one of following contents:

- If information for account registration is full, the trader, organization or individual will be issued an account to log in system and conduct the step 3;
- If account registration is refused or required for more information, the trader, organization or individual must re-register or add more information as requested.

Step 3: After being issued account to log in system, trader, organization or individual may log in, select function of notification on e-commerce sale websites and declare information under the form.

Step 4: Within 03 (three) working days, trader, organization or individual will receive feedback information from the Ministry of Industry and Trade through the registered email notifying one of following contents:

- Confirming that the notification is full and valid;

- Reporting that the notification is insufficient or invalid; In that case, trader, organization or individual must go back step 3 for re-notification or supplementing information as requested.

3. Trader, organization or individual are responsible for monitoring the status of handling dossier via email or account issued for accessing system so as to update and correct information as requested.

Article 5. Modification or termination of notified information

1. In case where have change of one of information specified in clause 2 Article 53 Decree No. 52/2013/ND-CP or stop of operation of e-commerce sale websites which already conducted notification, traders, organizations and individuals must notify the Ministry of Industry and Trade within 07 (seven) working days from time of changing information or stopping operation.

2. Modification or termination of the notified information about e-commerce sale websites must be implemented online through the account issued for accessing system when traders, organizations and individuals conducted notification as prescribed in Article 4 of this Circular.

3. Confirmation duration for modification or termination of the notified information: 03 (three) working days after receiving full and accurate notification sent by traders, organizations and individuals to the Ministry of Industry and Trade as prescribed in clause 2 of this Article.

SECTION 2. REGISTRATION FOR E-COMMERCE SERVICE WEBSITE

Article 6. Subjects of registration

Subjects of registration are traders or organizations operating in trade promotion or supporting enterprise, having e-commerce websites which offer at least one of following services:

1. E-marketplace service.
2. Online sale promotion service.
3. Online auction service.

Article 7. Dossiers of registration

1. Application for registration for e-commerce service websites (Form TMDT-1 in the Annex to this Circular).

2. Certified copies of the establishment decision (for organizations), certificate of Business registration, certificate of investment or license of investment (for traders).

3. Plans on service provision as prescribed in Clause 3 Article 54 of the Decree No. 52/2013/ND-CP.

4. Regulations on management of e-commerce service website as prescribed in Point d Clause 2 Article 55 of the Decree No. 52/2013/ND-CP.

5. Sample service contract or cooperation agreement between trader, organization owning e-commerce service website and traders, organizations and individuals offering goods or services on the website.

6. General transaction conditions applied to goods sale and service provision on the website (if any).

Article 8. The process of registration

1. The receipt and handling of dossiers registering for e-commerce service websites are conducted online by the Ministry of Industry and Trade through the E-commerce Administration Portal at www.online.gov.vn.

2. To declare dossier, traders and organizations access the E-commerce Administration Portal and implement the following steps:

Step 1: Trader or organization registers an account to log in system by providing the following information:

- Name of trader or organization;
- Number of trader's business registration or number of the establishment decision of organization;
- Business/operation fields;
- Head office address of trader or organization;
- Contact information, including telephone, fax numbers and email.

Step 2: Within 03 (three) working days, trader or organization will receive result from the Ministry of Industry and Trade through the registered email notifying one of following contents:

- If information for account registration is full, the trader or organization will be issued an account to log in system and conduct the step 3;
- If account registration is refused or required for more information, the trader or organization must re-register or add more information as requested.

Step 3: After being issued account to log in system, trader or organization may log in, select function of registration for e-commerce service websites, declare information under the form and attach registration dossier specified in Article 7 of this Circular.

Step 4: Within 07 (three) working days, trader or organization will receive feedback information from the Ministry of Industry and Trade through the registered email notifying one of following contents:

- Confirming that the registration dossier is full and valid, and requesting trader or organization to conduct the step 5;

- *Reporting that the registration dossier is invalid or requesting for information supplementation. In that case, trader or organization may go back step 3 for re-declaration or supplementing information and dossier as requested.*

Step 5: After being confirmed that dossier is full and valid, trader or organization will send a complete set of paper dossier of registration to the Ministry of Industry and Trade (Vietnam E-Commerce and Information Technology Agency) as prescribed in Article 7 of this Circular.

3. Trader and organization are responsible for monitoring the status of handling dossier via email or account issued for accessing system so as to update and correct information as requested.

4. Within 30 (thirty) working days after receiving the request for supplementation of information at step 4 as prescribed in Clause 2 of this Article, if traders and organizations fail to reply, the registration dossier on the system will be locked and traders and organizations must conduct re-registration from the beginning

Article 9. Confirmation for registration

1. Duration of confirmation for registration: 05 (five) working days after receiving the full and valid paper dossier of registration that are sent directly or via post by traders or organizations to the Ministry of Industry and Trade (Vietnam E-Commerce and Information Technology Agency) after the registration process is completed as specified in clause 2 Article 8 of this Circular. In case where the sent paper dossier are not matched with documents and information which traders, organizations have declared online through account accessing system, the Ministry of Industry and Trade will request them to complete dossier through the email registered by trader or organization.

2. Upon the confirmation of registration, the Ministry of Industry and Trade will send a code to traders or organizations through the registered email so as to display on e-commerce service website as registration seal. When clicking this seal, users will be linked to the registered information of traders or organizations setting up e-commerce service website on the E-commerce Administration Portal.

Article 10. Modification and supplementation of registration information

1. In case of one of changes of information related to the website supplying e-commerce services already registered as specified in Clause 1 Article 56 of the Decree No. 52/2013/ND-CP, traders and organizations must notify the modification to the Ministry of Industry and Trade within 07 (seven) working days from the date of information change.

2. Notification is conducted online through the account issued for accessing system or in writing and sent directly or via post to the Ministry of Industry and Trade (Vietnam E-Commerce and Information Technology Agency), enclosed with copies of documents proving the change (if any).

3. Within 07 (seven) working days after the receipt of full and accurate notification from trader or organization as prescribed in clause 2 of this Article, the Ministry of Industry and Trade will consider confirmation or non-confirmation of the modification and supplementation of information and feedback to trader or organization through the account already issued for accessing system; in case of non-confirmation, the feedback must clearly state reason thereof.

Article 11. Cancellation or termination of registration

1. The Ministry of Industry and Trade will terminate registration for e-commerce service websites in the following cases:

- a) At the request of trader or organization setting-up the website;
- b) Trader or organization setting-up the website stop operation or transfer website to other trader or organization;
- c) Website has no operation or trader or organization fail to respond as required by state agencies for a period exceeding 30 (thirty) days ;
- d) Trader and organization providing e-commerce services have been cancelled registration as prescribed in Clause 3 of this Article.

2. 07 (seven) working days before stopping operation of or transferring website, trader or organization setting-up the e-commerce website must notify the Ministry of Industry and Trade for registration termination. Thenotification is performed online through the account issued for accessing system upon registration or performed in writing and sent directly or via post to the Ministry of Industry and Trade (Vietnam E-Commerce and Information Technology Agency).

3. The Ministry of Industry and Trade will terminate the registration of e-commerce service websites of traders and organizations that have conducted the following acts:

- a) Conducting acts prohibited in e-commerce operation as prescribed in Article 4 of the Decree No. 52/2013/ND-CP;
- b) Failing to implement report obligation as prescribed at the Decree No. 52/2013/ND-CP and repeating such act after having been reminded;
- c) Being terminated registration under the decision on handling violation by competent state agencies.

4. Information about e-commerce service websites that have been terminated will be publicized on the E-commerce Administration Portal

Article 12. Re-registration for e-commerce service websites

1. Trader or organization receives transferred e-commerce service website must re-register according to the process specified in Article 8 of this Circular.

2. Duration for trader or organization to re-register will not exceed 30 (thirty) days after receiving transferred e-commerce service website.

Article 13. Reporting obligation of traders and organizations registered e-commerce service websites

1. Before January 15th of each year, traders and organizations setting-up e-commerce service websites must report to the Ministry of Industry and Trade statistical data of operation status of the previous year .

2. The reports will be performed online through accounts of traders and organizations at the E-commerce Administration Portal.

3. For the purpose of state agencies' inspection and examination or clarifying information as complained by organizations, individuals as prescribed in Article 24 of this Circular, traders and organizations setting-up e-commerce service websites have obligation to make explanations and provide information about activities on their websites at the request of the Ministry of Industry and Trade.

Chapter 3.

PROCEDURES FOR REGISTERING TRUST EVALUATION OF E-COMMERCE WEBSITES

Article 14. Subjects of registration

Subjects of registration for operation of trust evaluation of e-commerce websites are traders and organizations established under Vietnamese law and belong to one of the following subjects:

1. Being the trade promotion or enterprise support organizations.
2. Being the media agencies, trading associations or organizations protecting benefits of consumers.
3. Being traders performing in e-commerce field.

Article 15. Dossiers of registration

1. Register application for operation of trust evaluation of e-commerce websites (made according to the Form TMDT-2 in the Annex promulgated together with this Circular).

2. Authenticated copies of the establishment decision (for organizations), certificate of business registration, certificate of investment or license of investment (for traders).

3. Scheme for operation of trust evaluation of e-commerce websites includes the following content minimally:

- a) Formally name of program in trust evaluation of e-commerce websites;
- b) Operational purpose of trust evaluation of e-commerce websites;
- c) Duration and frequency for conducting operation of trust evaluation;
- d) Subjects or types of e-commerce websites that will be selected for trust evaluation;
- d) Criteria applied to rate a e-commerce website, of which included that e-commerce websites have finished notification or register with the Ministry of Industry and Trade as prescribed in the Decree No. 52/2013/ND-CP;
- e) Process and method of evaluating an e-commerce website;
- g) Methods in organizing operation of trust evaluation and selecting persons in charge of evaluating;

- h) Design of the trustmark going to be affixed on the evaluated e-commerce websites;
- i) Plan on supervising operation of e-commerce websites that have been affixed the trustmark;
- k) Rights and obligations of the trust evaluation party and the party possessing website that are trust evaluated.

Article 16. The process of registration

1. The receipt and handling of dossiers registering for operation of trust evaluation of e-commerce websites are conducted in online method by the Ministry of Industry and Trade through the E-commerce Administration Portal at www.online.gov.vn.

2. To declare dossier, traders and organizations access in the E-commerce Administration Portal and implement the following steps:

Step 1: Trader or organization registers an account to log in system by providing the following information:

- Name of trader or organization;
- Number of business registration of trader or number of the establishment decision of organization;
- Business/operation fields;
- Address of head office of trader or organization;
- Contact information, including telephone, fax numbers and email.

Step 2: Within 03 (three) working days, trader or organization will receive result from the Ministry of Industry and Trade through the registered email about one of following contents:

- If information registering account is full, the trader or organization will be issued an account to log in system and conduct the step 3;
- If registered account is refused or required for information supplementation, the trader or organization must re-register or supplement information as requested.

Step 3: Trader or organization may log in its account on the system, select function of registration for operation of trust evaluation e-commerce websites, declare information under the form and attach dossier of registration specified in Article 15 of this Circular.

Step 4: Within 15 (three) working days, trader or organization will receive feedback information from the Ministry of Industry and Trade through the registered email about one of following contents:

- Confirming that the register dossier is full and valid, and requesting trader or organization conducts the step 5;

- Reporting that the register dossier is invalid or requesting for information supplementation. In that case, trader or organization may turn back step 3 for re-declaration or supplementing information and dossier as requested.

Step 5: After receiving notice on confirming that dossier is full and valid, trader or organization will send a set of complete register dossier (made of paper) to the Ministry of Industry and Trade (Vietnam e-commerce and information technology Agency) as prescribed in Article 15 of this Circular.

3. Traders and organizations are responsible for monitoring the status of handling dossier via email or account already issued for accessing in system so as to update and correct information as requested.

4. Within 30 (thirty) working days after receiving notice requesting for supplementation of information at step 4 as prescribed in clause 2 of this Article, if traders and organizations fail to reply, the register dossiers on the system will be locked and traders and organizations must conduct re-registration at the beginning.

Article 17. Confirmation for registration

1. Duration of confirmation for registration: 07 (seven) working days after receiving the full and valid paper register dossier made that are sent directly or via post by traders or organizations to the Ministry of Industry and Trade (Vietnam e-Commerce and Information Technology Agency) upon completing the register process specified in clause 2 Article 16 of this Circular. In case where the sent paper dossier are not matched with documents and information which traders, organizations have declared in online method, the Ministry of Industry and Trade will notify through the email registered by trader or organization for completing dossier by trader or organization.

2. When confirming registration, the Ministry of Industry and Trade will send notice about confirming register to trader or organization through the registered email, and bring name of trader or organization into list of traders or organizations registered for providing service of trust evaluation on the E-commerce Administration Portal.

3. After being confirmed for registration, the trustmark of traders and organizations trust evaluating of e-commerce websites together with list of websites affixed this symbol will be announced on the E-commerce Administration Portal.

Article 18. Amending and supplementing register information

1. Within 07 (seven) working days, traders and organizations trust evaluation of e-commerce websites must notify amendment and supplementation of register information from the day of arising one of the following changes:

a) Change of name of trader or organization;

b) Change of representative of trader or organization; change of person in charge of operation of trust evaluation of e-commerce websites;

c) Change of address of transaction office or contact information;

d) Change of criteria and process for trust evaluation of e-commerce websites or other content of the Scheme for operation of trust evaluation of e-commerce websites specified in clause 3 Article 15 of this Circular.

2. Notification of amending and supplementing the register information is performed in online method through the account already issued for accessing in system when registering or performed in writing to sent directly or via post to the Ministry of Industry and Trade (Vietnam E-Commerce and Information Technology Agency), enclosed with copies of papers, documents proving the change (if any).

3. Within 07 (seven) working days after receiving full and exact notification sent by trader or organization as prescribed in clause 2 of this Article, the Ministry of Industry and Trade will consider confirmation or non-confirmation of the amending and supplementing information and give feedback to trader or organization through the account already issued for accessing in system; in case of non-confirmation, it must clearly state reason thereof.

Article 19. Cancellation or termination of registration

1. The Ministry of Industry and Trade will terminate registration for traders and organizations of trust evaluation of e-commerce websites in the following cases:

a) At the request of trader or organization;

b) Trader or organization stops operation of trust evaluation of e-commerce websites;

c) Trader or organization trust evaluation of e-commerce websites fails to implement obligation as prescribed at clause 4 Article 61 of the Decree No. 52/2013/ND-CP and continue repeat such act after having been reminded;

d) Trader or organization trust evaluation of e-commerce websites is cancelled registration as prescribed at clause 2 Article 61 of the Decree No. 52/2013/ND-CP.

2. 15 (fifteen) working days before terminating operation, trader or organization trust evaluation of e-commerce websites must notify the Ministry of Industry and Trade for register termination. This notification is performed by online method through the account already issued for accessing in system when registering or performed in writing to sent directly or via post to the Ministry of Industry and Trade (Vietnam E-Commerce and Information Technology Agency).

3. When terminating or cancelling register, the Ministry of Industry and Trade will draw name of trader, organization from the list of traders and organizations registered for trust evaluation of e-commerce websites together with deleting the trustmark of that trader or organization and list of its websites affixed this symbol on the E-commerce Administration Portal

Article 20. The report obligation of traders, organizations trust evaluating of e-commerce websites

1. Before the fifth date of each month, traders and organizations must, on the E-commerce Administration Portal, update the list of their e-commerce websites affixed the trustmark in counting to the end of previous month.

2. Before the January 15 of every year, traders and organizations trust evaluation of e-commerce websites must report the operational result of trust evaluation of the previous year to the

Ministry of Industry and Trade in online method through accounts of traders and organizations at the E-commerce Administration Portal.

3. In order to serve for inspection and examination of state management agencies or to clarify information reflected by organizations, individuals as prescribed in Article 24 of this Circular, traders and organizations trust evaluating of e-commerce websites have obligation to report and supply information about websites that are affixed trustmark by them at the request of the Ministry of Industry and Trade.

Chapter 4.

INFORMATION DISCLOSURE ON THE E-COMMERCE ADMINISTRATION PORTAL

Article 21. Disclosure of list of e-commerce websites that have implemented procedures for notification and registration

1. As soon as e-commerce websites finished procedures for notification or registration according to provisions in this Circular and received confirmation of the Ministry of Industry and Trade, information about websites will be brought into list of e-commerce websites already notified or registered so as to announce publicly on the E-commerce Administration Portal.

2. The announced information includes information specified in clause 2 Article 65 of the Decree No. 52/2013/ND-CP.

3. When a website providing e-commerce services is terminated or cancelled registration, information about this website will be drawn from this list and switched to the status of website having terminated for registration or moved to the list of websites violated regulations of law as prescribed in Article 23 of this Circular.

Article 22. Disclosure of list of traders and organizations trust evaluating of e-commerce websites that have performed the register procedures

1. As soon as traders and organizations opeevaluating in trust evaluation of e-commerce websites finished procedures for registration according to provisions in this Circular and received confirmation of the Ministry of Industry and Trade, information about traders and organizations will be brought into list of traders and organizations trust evaluation of e-commerce websites already registered so as to announce publicly on the E-commerce Administration Portal.

2. The announced information includes information specified in clause 2 Article 66 of the Decree No. 52/2013/ND-CP.

3. When being terminated or cancelled register, information about traders and organizations trust evaluating of e-commerce websites will be drawn from this list and switch to status of being terminated for registration or moved to list of traders and organizations violated regulations of law.

Article 23. Disclosure of list of e-commerce websites that violated regulations of law

1. The Ministry of Industry and Trade will announce on the portal for e-commerce operation management the list of e-commerce websites violated law as prescribed in Article 4 of the

Decree No. 52/2013/ND-CP and regulations on handling of administrative violations in e-commerce.

2. The announced information includes:

- a) Name of e-commerce websites;
- b) Name and information of trader or organization possessing website;
- c) Violations of traders, organizations and individuals.

Article 24. Receipt of the reflected information and announcement of list of e-commerce websites that are reflected about having signals of violating law

1. The Ministry of Industry and Trade will receive reflection of organizations, individuals about the following acts on the e-commerce websites:

- a) Violations on regulations related to the notification and registration for e-commerce websites;
- b) Violations on regulations related to concluding contracts in e-commerce as prescribed in the Decree No. 52/2013/ND-CP;
- c) Violations on regulations related to responsibility of the owner of e-commerce websites for goods sale or the suppliers of e-commerce service at the Decree No. 52/2013/ND-CP;
- d) Violations on regulations related to protecting individual information and payment safety in e-commerce at the Decree No. 52/2013/ND-CP;
- e) Other violations specified in Article 4 of the Decree No. 52/2013/ND-CP.

2. Organizations and individuals may reflect in online method on the E-commerce Administration Portal at www.online.gov.vn. When reflecting, organizations and individuals must supply the following information minimally:

- a) Full name, number of ID card, residence address, number of telephone and email of the reflecting person;
- b) Address of e-commerce websites that happening the reflected acts;
- c) The reflected acts;
- d) Summary of reflected content;
- e) Documents, evidences proving acts of violations (if any).

3. Within 05 (five) working days, the reflecting organizations and individuals will receive answer of the Ministry of Industry and Trade through the provided email about one of following contents:

- Confirming that the reflected information is full and valid and counted in the number of reflection specified in point a clause 4 of this Article;

- Reporting that the reflected dossier is invalid or requesting for information supplementation.

4. The disclosure of reflected information applicable to an e-commerce website on the E-commerce Administration Portal will be performed as follows:

a) E-commerce websites that have over 05 (five) reflection opinions from various organizations or individuals about one or many acts stated in clause 1 of this Article will be received a notice of the Ministry of Industry and Trade which request for explanation about comments mentioned above.

b) After 10 (ten) working days, from day of receiving request for explanation from the Ministry of Industry and Trade, if traders, organizations and individuals possessing e-commerce websites fail to reply or make explanation about reflection opinions, those websites will be put into list of e-commerce websites being reflected about having signals of violations and may be handled administrative violation as prescribed by law.

Chapter 5. IMPLEMENTATION PROVISIONS

Article 25. Responsibility for implementation

1. The Minister of Industry and Trade assigns the Vietnam E-commerce and Information Technology Agency to implement procedures for notification and registration for e-commerce websites, registration for operation of trust evaluation of e-commerce websites and information disclosure on the E-commerce Administration Portal in accordance with regulations in this Circular.

2. Related agencies, units under the Ministry of Industry and Trade shall, under their authorities, coordinate the state management duty in e-commerce operation.

3. The local Department of Industry and Trade shall, within their functions and powers, coordinate with the Vietnam E-commerce and Information Technology Agency in verifying the notified and registered information; monitoring, updating and announcing information on the E-commerce Administration Portal.

Article 26. Effect

1. This Circular takes effect on July 01, 2013.

2. This Circular replaces the Circular No. 46/2010/TT-BCT dated December 31, 2010 of the Ministry of Industry and Trade on operation management of e-commerce website selling goods or providing services.

3. Traders and organizations registered provision of e-marketplace service as prescribed in the Circular No. 46/2010/TT-BCT must supplement the register dossier so as to comply with provision of this Circular, within 90 (ninety) days from the effective date of this Circular.

4. In the course of implementation, any arising problems should be reported to the Ministry of Industry and Trade for consideration and handling./.

**FOR THE MINISTER OF INDUSTRY AND TRADE
DEPUTY MINISTER**

Tran Tuan Anh

PRESENT LEGAL