

Decree No. 52/2013/ND-CP dated May 16, 2013 of the Government on e-commerce

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THE GOVERNMENT

Decree No. 52/2013/ND-CP dated May 16, 2013 of the Government on e-commerce

Pursuant to the Law on Governmental Organization dated December 25, 2001;

Pursuant to Civil Code dated June 14, 2005;

Pursuant to the Commercial Law dated June 14, 2005;

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

Pursuant to the Competition Law dated December 3, 2004;

Pursuant to the Law on protection of consumers' interests dated November 17, 2010;

At the proposal of the Minister of Industry and Trade;

The Government issues this Decree on E-commerce;

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulations

This Decree regulates the development, application and management of e-commerce activities

Article 2. Subject of application

1. This Decree is applicable to traders, organizations or individuals involved in e-commerce activity in Vietnam's territory, including:

a) Vietnamese traders, organizations or individuals;

b) Foreign individuals residing in Vietnam;

c) Foreign traders and organizations with their presence in Vietnam through investment operation, establishment of branches and representative offices or website set-up under Vietnamese domain name.

2. The Ministry of Industry and Trade shall preside over and coordinate with the Ministry of Information and Communications based on the social and economic conditions and management requirements of each period to guide the management measures for foreign traders, organizations or individuals that carry out e-commerce with Vietnamese subjects.

Article 3. Terms explanations

In this Decree, the terms below are construed as follows:

1. *E-commerce activity* is the conduction of a part or the whole process of commercial activities by electronic means connected to the Internet, mobile telecommunications network or other open networks.
2. *The national e-commerce development program* is a set of contents and tasks for e-commerce development activities in each period in order to encourage and support the e-commerce applications to improve the efficiency of business and production to boost the domestic commercial transaction and export, develop the E-commerce infrastructure towards modernization.
3. *E-document in commercial transactions* (hereinafter referred to as e-document) is contract, proposal, notice, certification or other documentation in the form of a data message shown by the parties and involved to the commitment or contract performance.

Electronic documents in this Decree do not include drafts, promissory notes, money orders, bills of lading, shipping bills, stock received and issued dockets or any transferable documents to which permit the document holders or beneficiaries to have the right to receive goods or services or are paid an amount of money.

4. *The creator* is the party or representative of that party and has made or sent e-document before storing it. The creator does not include the party having operation as an intermediary related to the e-document.
5. *The recipient* is the party receiving the e-document at the discretion of the originator. The recipient does not include the party having operation as an intermediary related to the e-document.
6. *Automatic information system* is the information system used to make, send, receive or respond to data message without the human intervention or checking of each action performed.
7. *Business location* is a fixed establishment to conduct business activities, excluding the temporary establishments of goods or services provision.
8. *E-commerce website* (hereinafter referred to as website) is the electronic information page set to serve a portion or the whole process of buying and selling activities of goods or provision of services, from display and introduction of goods or services to contract commitment, service provision, payment and after-sales service.
9. *E-commerce trading floor* is an E-commerce website permitting the traders, organizations or individuals that are not the website owners may conduct a portion or the whole process of buying and selling goods and services on that website.

E-commerce trading floor in this Decree does not include the websites of online securities trading.

10. *Online promotion website* is an E-commerce website set up by traders and organizations to perform the promotion for the goods and services of other traders, organizations or individuals under the terms and conditions of promotion service contract.
11. *Online auction website* is an E-commerce website providing solutions allowing traders, organizations and individual that is not the website owners may auction their goods on that website.
12. *Online order function* is a function installed on the e-commerce website or terminal equipment of customer and connected to an e-commerce website in order to permit customer to begin the process of contract commitment under the terms and conditions published on that website including contract commitment with the automatic information system.
13. *Personal information* is the information contributing to identify a specific individual, including his/her name, age, home address, phone number, medical information, account number, information on personal payment transactions and other information that the individual would like to keep confidential.

Personal information in this Decree does not include work contact information and other information that the individual has published himself on mass media.

14. *Collection of personal information* is the collection of information to put it into a database, including personal information of many consumers as customers or potential customers of the traders, organizations or individuals engaged in e-commerce.

15. *Service of e-contract certification* is the third party's service on storing and the integrity assurance of the e-document created by the parties during contract commitment and implementation.

Article 4. Prohibited acts in e-commerce activities

1. Violation of e-commerce and business activities:

- a) Organizing marketing and business network for the e-commerce services in which each participant shall have to pay an initial amount of money to buy the services and receive commission, bonus or other economic benefits from mobilizing others to join the network;
- b) Taking advantage of e-commerce to carry on business of counterfeit, goods or services in violation of the intellectual property, goods or services in the list of goods and services banned from business;
- c) Taking advantage of the name of e-commerce operation to illegally mobilize capital from other traders, organizations or individuals.
- d) Providing e-commerce services or certification, evaluation and monitoring services in e-commerce when these services have not been registered or licensed in accordance with the provisions of this Decree.
- e) Providing e-commerce services or certification, evaluation and monitoring services in e-commerce not in accordance with the information in the record of registration or licensing.
- g) There are fraudulent acts or providing false information when performing the procedures for notification of setting up e-commerce website, registering website to provide e-commerce services, registering or licensing the certification, evaluation and monitoring services in E-commerce.

2. Violation of information on e-commerce website.

- a) Falsifying registration information or failing to comply with the regulations on the form and way of publication of information registered on e-commerce website;
- b) Using logos of credit evaluation programs of e-commerce website when having been recognized by programs.
- c) Using links, logos or other technologies on e-commerce website to cause confusion of the relationship with other traders, organizations or individuals;
- d) Using links to provide conflicting or misleading information compared with the information published in the area where the website is connected with this link.

3. Violation of transaction on e-commerce website:

- a) Performing acts of consumer fraud on e-commerce websites;
- b) Falsifying information of traders, organizations or individuals to participate in e-commerce activities;
- c) Intervening in the operation system and Internet browser in the electronic equipment accessible to website to force customers to stay on the website against their wishes.

4. Other violations:

- a) Stealing, using, disclosing, transferring and selling information related to business secrets of other traders, organizations or individuals or personal information of consumers in e-commerce without the consent of the parties concerned, unless otherwise regulated by law.
- b) Falsifying or copying interface of e-commerce website of other traders, organizations or individuals to make profit or to cause confusion, loss of customer confidence in those traders, organizations or individuals.

Article 5. Contents of e-commerce's state management

1. Developing and implementing mechanisms, policies, strategies, plans, programs of e-commerce development.
2. Promulgating and organizing the implementation of legal normative documents on e-commerce activities, criteria, regulations on E-commerce applications and regulations on the management of specific e-commerce services.
3. Managing and monitoring e-commerce activities.
4. Propagating, disseminating and educating the Law on e-commerce.
5. Performing activities of research, application and transfer of technology in e-commerce.
6. Performing activities of consulting and supporting enterprises to deploy and apply e-commerce.
7. Implementing the training and retraining of human resource for e-commerce.
8. Making statistics of e-commerce.
9. Performing international cooperation in the area of e-commerce
10. Performing the inspection, examination, settlement of complaints and denunciations and handling of violations in E-commerce activities.

Article 6. Responsibilities of e-commerce's state management

1. The Ministry of Industry and Trade is responsible before the Government for the performance of the state management of e-commerce.
2. The Ministries, ministerial-level agencies, People's Committees of centrally-affiliated provinces and cities shall, within their ambit of duties, powers, coordinate with the Ministry of Industry and Trade to perform the state management of e-commerce.

Article 7. Program of national e-commerce's development

1. The State has the appropriate policies and measures in order to promote the e-commerce to develop transparently and sustainably through the Program of national e-commerce development.
2. The contents of the Program of national e-commerce development include:
 - a) Building and developing the infrastructure of e-commerce;
 - b) Propagating, disseminating and raising awareness of e-commerce
 - c) Training and developing human resource of e-commerce;
 - d) Developing products and solutions of e-commerce;

- e) Consulting the development of e-commerce application plan.
- g) Performing international cooperation of e-commerce;
- h) Raising management capacity and organizing activities of e-commerce development.
- i) Other contents

3. The Prime Minister stipulates the participants, scope of application, management mechanism and fund assistance of the Program of national e-commerce development.

Article 8. Statistics of e-commerce

1. People's Committee of centrally-affiliated provinces and cities shall collect the statistic data on the situation of application of e-commerce of each locality and make an annual report to the Ministry of Industry and Trade for summing-up
2. Traders and organizations providing the e-commerce services shall periodically report on the activities of their service provision in service of statistics of e-commerce.
3. The Minister of Industry and Trade stipulates in detail the regulations of report and statistics for traders and organizations providing e-commerce services and localities with enterprises operating e-commerce.

Chapter 2.

CONTRACT COMMITMENT IN E-COMMERCE

SECTION 1. E-DOCUMENT IN E-COMMERCE

Article 9. Legal value as the original

1. E-document in e-commerce has its legal value as the original if meeting the following two conditions:
 - a) There is credible assurance about the integrity of information contained in e-document from the time the information is first initialized in the form of e-document;
 - b) Information contained in the e-document may be accessible and usable in the complete form when necessary.
2. Criteria for assessing the integrity of the information are completeness and unchangeableness, apart from the changes of the form arising in the process of exchange, storage or display of the E-document.
3. Criteria of reliability assurance is when one of the following measures is applied on the basis of an agreement between parties exchanging and using E-document:
 - a) Signing the E-document with digital signature issued by a legal digital signature certification service provider.
 - b) Storing the E-document in the system of a licensed E-contract certification service provider that the parties have agreed to select.
 - c) There is an assurance from the traders, organizations providing infrastructure for the creation, sending and storage of E-document on the integrity of information contained in E-document during the sending and storage in the system;
 - d) Other measure which the parties have agreed upon.

Article 10. Time, sending location and receiving of e-document

1. The time for sending an e-document is the time that e-document leaves the information systems under the control of the creator or his/her representative. In case the e- document does not leave the information systems under the control of the creator or his/her representative, the sending time is the time of receiving the e-document.
2. In case the parties have no other agreements, the receiving time of an E-document is the time that E-document comes to the accessible e-address given by the recipient.
3. Place of business of the creator is regarded as a place to send the E-document and places of business of the recipient are regarded as a place to receive the E-document.

Article 11. Parties' business places

1. Place of business of each party is the place indicated by that party, unless the other party states that it has no place of business at this location.
2. In case one party has many places of business but does not indicate any place of business, then the place of business is the one having the closest relationship with the related contract considering any context before and at the time of contract commitment.
3. In case an individual has no place of business, then the place of business is the registration place of permanent residence of that individual.
4. A place shall not be regarded as a place of business if that place is only the one for placement of machinery and technological equipment of the information system used by one party for contract commitment or only the place from which the other parties may access that information system.
5. A place name associated with a domain name or e-mail address of a party is not necessarily related to the place of business of such party.

Article 12. Proposal for contract commitment without any receiving party

A notice by E-document evidence on the proposal for contract commitment without specific receiving party is only a notice of proposal for contract commitment. That notice has not been regarded as a proposal for contract commitment, unless the notifying party specifies in the notice its responsibilities in the event of getting accepted answer.

Article 13. Use of automatic information system

Contract is concluded from the interaction between an automatic information systems with a person or between automatic information systems without any denial of legal value because there is no human examination or intervention in each specific action due to automatic performance of the information system or the contract is concluded.

Article 14. Information entry error in electronic documents

1. In case a person makes an error in information entry in an e-document used for exchange with the automatic information system of other parties but this automatic information system does not support that person to correct the error, then that person or the traders, organizations or individuals which that person represents have the right to withdraw the portion of e-document with error if meeting the two following conditions:
 - a) Once being aware of the error, that person or the traders, organizations or individuals which that person represents shall notify the other party of the error and clearly state that he has made an error in this e-document;
 - b) That person or the traders, organizations or individuals which that person represents have not used nor have any material benefit or value of the goods or services received from other party.

2. The right to withdraw the portion of e-document with error does not affect the responsibility to deal with the consequences arising out of the provisions in Clause of this Article.

SECTION 2. CONTRACT COMMITMENT USING ONLINE ORDERING FUNCTION ON E-COMMERCE WEBSITE

Article 15. Proposal for contract commitment

If an E-commerce website has an online ordering function applicable for specific goods and services introduced on that website, then the introductory information about goods and services and relevant terms and conditions shall be regarded as the notice of proposal for contract commitment of the traders, organization and individuals selling goods as prescribed in Article 12 of this Decree.

Article 16. Providing terms and conditions of contract when using online order on E-commerce website

E-commerce website with an online ordering function must provide customer with information about the terms and conditions of contract specified from Article 30 to Article 34 of this Decree before the time the customers their proposal for contract commitment.

Article 17. Proposal for contract commitment

E-document created by customer and sent by using the online ordering function shall be regarded as the proposal for contract commitment of customer for the goods or services associated with that online ordering function.

Article 18. Reviewing and confirming contract's contents

E-commerce website must have a mechanism to permit customer to review, supplement, modify and confirm the transaction contents before using the online ordering function in order to send proposal for contract commitment. This mechanism of reviewing and confirmation must meet the following conditions:

1. Displaying the following information to customers:

- a) Name of goods or services, the number and type;
- b) Method and time of goods delivery or provision of services;
- c) Total value of the contract and the details regarding the payment method selected by the customer.

These information must be capable of storing, printing on system of customer information and be displayed later.

2. Displaying customer's information about the way to respond to the proposal for contract commitment and time limit to respond to the proposal for contract commitment

3. Permitting customers to select the cancellation of transaction or confirmation of the proposal for contract commitment.

Article 19. Response to the proposal for contract commitment

1. Responding to acceptance or denial of the proposal for contract commitment must be done in the appropriate form so that the information can be stored, printed and displayed in the customer's information system.

2. Upon responding to acceptance of the proposal for contract commitment, the traders, organizations or individuals selling goods must provide customers with the following information:

- a) List of all goods or services that customers have ordered, the number and price of each product and total value of contract.

- b) Time of delivery or service provision;
- c) Contact information for customer to ask about the status of contract performance when necessary.

Article 20. Terminating the proposal for contract commitment

1. In case the traders, organizations or individuals selling goods has announces the time limit for response to the proposal for contract commitment, if this time limit is over without any response to the customer, the proposal for contract commitment of the customer shall be regarded as a termination of validity.

The response to acceptance after this time limit is regarded as another proposal for contract commitment from the traders, organizations or individuals selling goods.

2. In case the traders, organizations or individuals selling goods do not announce the time limit for response to the proposal for contract commitment, if within 12 (twelve) hours from the time of sending the proposal for contract commitment, then the proposal for contract commitment of the customer shall be regarded as a termination of validity.

Article 21. Time for contract commitment by using online ordering function on E-commerce website

The time for contract commitment upon the use of an online ordering function on E-commerce website is the time the customer receives the response from the traders, organizations or individuals selling goods to accept the proposal for contract commitment as prescribed in Clause 2, Article 19 of this Decree.

Article 22. Procedures for contract termination for E-commerce service contract and other online services

1. Website providing the E-commerce services and other online services must provide online tools so that customers can send notice of contract termination upon the end of need for service using. This tool must satisfy the following conditions:

- a) Allowing customers to store and display notice of contract termination in its information system after sending.
- b) There are feedback mechanisms so that customers know that their notice of contract termination has been sent.

2. Website providing the E-commerce services and other online services must publish information transparently and completely on the process and procedures for contract termination including the following contents:

- a) The cases where the traders, organizations or individuals provide the contract termination services and the way to deal with consequences of this contract termination.
- b) The time of validity termination of contract and the payment method of service fees in case customer is the party terminating the contract;
- c) If the website does not publish the time of validity termination of contract in case customer is the party terminating the contract, the time when customer sends notice is regarded as the time of contract termination.

Article 23. Contract commitment on goods purchase E-commerce website

The Ministry of Industry and Trade shall specify the process of online contract commitment on E-commerce website developed the traders, organizations or individuals to purchase goods and services.

Chapter 3.

E-COMMERCE ACTIVITIES

Article 24. Subjects of e-commerce activities

The subjects involved in e-commerce activities include:

1. The traders, organizations or individuals may develop e-commerce website by themselves to serve their commercial promotion, sales or service supply (people who own sales e-commerce website).
2. The traders, organizations or individuals develop their e-commerce websites to provide environment for the traders, organizations or individuals to conduct their activities of commercial promotion, sales or service supply (the traders or organizations providing the E-commerce services).
3. The traders, organizations or individuals using website of the traders or organizations providing e-commerce services to serve their commercial promotion, sales or service supply (the seller)
4. The traders, organizations or individuals purchasing goods or services on sales E-commerce website and E-commerce service provision website (customer)
5. The traders or organizations providing the technical infrastructure for the owner of sales E-commerce website and for the traders and organizations providing E-commerce services (the traders or organizations providing infrastructure).
6. The traders, organizations or individuals using electronic equipment connected to other networks for commercial activities.

Article 25. Forms of e-commerce activities' organization

1. The sales e-commerce website is an e-commerce website developed by the traders, organizations or individuals by themselves to serve their commercial promotion, sales or service supply
2. Website providing e-commerce services is an e-commerce website developed by the traders or organizations to provide environment for other traders, organizations or individuals to conduct their commercial activities. The website providing e-commerce services includes the following types:
 - a) E-commerce trading floor;
 - b) Online auction website;
 - c) Online promotion website;
 - d) Other types of website stipulated by the Ministry of Industry and Trade.
3. With the applications installed on electronic devices connected to the network that allows the users to access the database of other traders, organizations and individuals to purchase and sell goods, provide or use services. Depending on the features of these applications, the traders or organizations must comply with the provisions on sales e-commerce website or e-commerce service provision websites in this Decree.
4. The Ministry of Industry and Trade shall stipulate the e-commerce activities conducted on the mobile telecommunication network.

Article 26. Principle of e-commerce activities

1. Principle of free and voluntary agreements in e-commerce transactions

The participants in e-commerce activities are free to the agreement not contrary to the regulations of law to establish the rights and obligations of each party in the transaction. This agreement is the ground for the settlement of disputes arising in the transaction process.

2. Principles for determining the scope of business in e-commerce.

If the traders, organizations or individuals conducting their activities of sales, service provision or commercial promotion on e-website do not specify geographical limits of these activities, they are considered to be conducted on a national scale.

3. Principle for determining obligations of protection of consumer's interests in activities of e-commerce

- a) The owner of sales e-commerce website and the seller on e-commerce service provision website must comply with the provisions of the Law on protection of consumers' interests when providing the goods or services to customers.
- b) The customers on e-commerce service provision website are the e-commerce service consumers and goods and service consumers provide by the sellers on the website.
- c) In case the sellers directly posts information about their goods and services on e-commerce website, the traders or organizations providing e-commerce services and the traders or organizations providing infrastructure are not the third party providing information as prescribed by the Law on protection of consumers' interests.

4. Principles of business of goods and services of restricted trading or goods and conditioned business services through e-commerce website.

The subjects applying e-commerce for business of goods and services of restricted trading or goods and conditioned business services must comply with the regulations of law relating to the trading of those goods and services.

SECTION 1. ACTIVITIES OF SALES E-COMMERCE WEBSITE

Article 27. Responsibilities of the traders, organizations or individuals that own sales E-commerce websites

1. Notifying the Ministry of Industry and Trade of the set-up of sales e-commerce website as prescribed in Section 1, Chapter IV of this Decree.
2. Fully providing information on the website under the provisions of this Section and taking responsibility for the accuracy and completeness of information.
3. Complying with the provisions on the protection of customer's personal information specified in Section 1, Chapter V of this Decree.
4. Complying with the provisions in Section 2, Chapter II of this Decree if the website has an online ordering function.
5. Complying with the provisions in Section 2, Chapter V of this Decree if the website has a function of online payment.
6. Providing information about the status of business at the request of the competent State agency to serve the statistics of e-commerce, inspection, examination and handling of violations of e-commerce.
7. Fully performing tax obligations as prescribed by law.

Article 28. Providing information on sales e-commerce website

1. The sales e-commerce website must fully provide information about the owners of website, goods and services and terms of sales and purchase contract applicable for goods and services introduced on the website as specified from Article 29 to 34 of this Decree.
2. These information must ensure the following requirements:
 - a) Obviousness, accuracy, fundability and understandability;

- b) Being arranged in the corresponding sections on the website and can be accessed by online methods;
- c) Being capable of storing, printing and displaying later;
- d) Being displayed clearly to the customers before the time they send the proposal for contract commitment.

Article 29. Information on the website owner

The traders, organizations or individuals that own the sales e-commerce website must publish the following minimum information on the website homepage:

1. Name and address of head office of the traders, or organizations or name and permanent address of the individuals.
2. Number, issue date and issue place of business registration certificate of the traders or the number, issue date and unit issuing the organization's establishment decision or individual's personal tax code.
3. Telephone number or another online contact method.

Article 30. Information on goods or services

For goods or services introduced on the sales e-commerce website, the traders, organizations or individuals must provide information so that customers can identify features of goods or services correctly in order to avoid misunderstanding upon making a decision on the proposal for contract commitment.

Article 31. Information on price

1. Information on prices of goods or services, if any, must be made clear that prices are inclusive or exclusive of the costs related to the purchase of goods or services, such as taxes, packing, shipping cost and other costs incurred.
2. Unless the parties agree otherwise, if the information about the price of goods or services listed on the website does not clearly indicate the price is inclusive or exclusive of the costs related to the purchase of goods or services such as tax, packing, shipping cost and other costs incurred, the price is understood to have included all costs associated with the above costs.
3. For services on website providing electronic E-commerce services specified in Section 2 and 4 of this Chapter, the website must publish detailed information about the method of calculation of service fee and payment mechanism.

Article 32. Information on general trading conditions

1. The traders, organizations or individuals must publish the general trading conditions for goods or introductory services on website including:
 - a) Conditions or restriction in provision of goods or services such as limits on time or geographic scope, if any;
 - b) Reimbursement policies, including reimbursement term, payment method, or exchange goods purchased, way how to get a refund and cost of this refunding
 - c) Product warranty policy, if any;
 - d) The service standards, service delivery processes, fee schedule and other terms relating to the provision of services, including the conditions and restrictions, if any;
 - e) Seller's obligations and customer's obligations of in each transaction

2. The general trading conditions must have font color contrast with the background color of the website posted with the general trading conditions and language that represents the general trading conditions must include Vietnamese language.

3. In case the website with the online ordering function, the seller must have a mechanism for customers to read and express their consent to the general trading conditions before sending the proposal for contract commitment.

Article 33. Information on shipment and delivery

1. The traders, organizations or individuals must publish the following information about the conditions for shipment and delivery applicable for goods or services introduced on the website:

- a) Method of delivery of goods or provision of services;
- b) Estimated time limit for the delivery of goods or provision of services taking into account the geographical distance and method of delivery of goods.
- c) Geographical limits for the delivery of goods or provision of services, if any.

2. In case of delay arising in delivery of goods or provision of services, the traders, organizations or individuals must give timely information to customers and create opportunities for them to cancel the contract if desired.

Article 34. Information on payment methods

1. The traders, organizations or individuals must disclose all payment methods applicable for goods or services introduced on the website, together with clear and accurate explanations so that the customers can understand and choose the appropriate payment method.

2. If the website with online payment functions, the traders, organizations or individuals must set up a mechanism for customers to use this function to review and confirm detailed information about each transaction before making the payment.

SECTION 2. OPERATION OF E-COMMERCE TRADING FLOOR

Article 35. Providing services of e-commerce trading floor

1. The traders or organizations that provide the services of e-commerce trading floor are the traders or organizations setting up their websites so that the other traders or organizations can conduct a portion or the whole process of sale and purchase of goods and services on those websites.

2. Forms of activities of e-commerce trading floor:

- a) Website allows participants to open booths for display and introduction of goods or services;
- b) Website allows participants to set up branch websites for displaying and introducing goods or services;
- c) Website has sale and purchase column permitting the participants to post news of sale and purchase of goods or services.
- d) Other types of website regulated by the Ministry of Industry and Trade.

3. Website operating by the method of goods Exchange:

- a) The traders or organizations setting up E-commerce website on which the participants are permitted to conduct their sale and purchase of goods by the method of goods Exchange must have the License of goods Exchange establishment and comply with regulations of law on the goods Exchange.

b) The Ministry of Industry and Trade shall specify the mechanism of monitoring and connection of transaction information between the state management agencies with the goods Exchange and other requirements on the operation of the website operating in the form of goods Exchange.

Article 36. Responsibilities of the traders or organizations providing services of E-commerce trading floor

1. Registering to set up website providing services of E-commerce trading floor under the provisions of Section 2, Chapter IV of this Decree and publishing the information registered on the website homepage.
2. Developing and publishing on website regulations on operation of the E-commerce trading floor under provisions of Article 28 of this Decree; monitoring the E-commerce trading floor and ensuring the implementation of that regulation on the E-commerce trading floor.
3. Requesting the traders, organizations or individuals that are the sellers on the E-commerce trading floor to provide information as specified in Article 29 of this Decree upon registration for service using.
4. Having mechanism of examination and monitoring to ensure the seller's information provision on the E-commerce trading floor is done correctly and fully.
5. Storing the registered information of the traders, organizations or individuals involved in the E-commerce trading floor and regularly updating the relevant changed or supplemented information.
6. Establishing mechanism to permit the traders, organizations or individuals involved in the E-commerce trading floor to perform the process of contract commitment as specified in Section 2, Chapter II of this Decree if the website has the online ordering function.
7. Applying necessary measure to ensure information safety related to business secrets of the traders, organizations or individuals and the consumer's personal information.
8. Having timely remedial measures upon detection or receipt of reflection about the business acts of violation of law on the E-commerce trading floor.
9. Assisting the State management agencies to investigate the business acts of violation of law, providing registered information, history of transactions and other documents about the subjects having acts of violation of law on the E-commerce trading floor.
10. Publishing mechanism to settle disputes arising during transactions on the E-commerce trading floor. When the customers on the E-commerce trading floor have conflicts with the sellers or their legal interests are damaged, they have to provide customers with information about the sellers and actively assisting customers to protect their legal rights and interests.

Article 37. Responsibilities of the sellers on the E-commerce trading floor

1. Fully and accurately providing information specified in Article 29 of this Decree for the traders or organizations providing services of the E-commerce trading floor upon registration for service using.
2. Providing complete information about the goods or services as specified from Article 30 to 34 of this Decree when selling goods or providing services on the E-commerce trading floor.
3. Ensuring the accuracy and truthfulness of information about the goods or services provided on the E-commerce trading floor.
4. Performing the provisions in Section 2, Chapter II of this Decree upon application of online ordering function on the E-commerce trading floor.
5. Providing information about their business status upon requirements of the competent State agencies to serve the statistics of E-commerce.

6. Complying with regulations of law on payment, advertising, promotion, and protection of intellectual property rights, protection of consumer rights and other regulations of relevant laws when selling goods or providing services on the E-commerce trading floor.

7. Fully performing tax obligations as prescribed by law.

Article 38. Regulations on operation of the E-commerce trading floor

1. Regulation on operation of the E-commerce trading floor must be presented on the website homepage

2. Regulation on operation of the E-commerce trading floor must be included with the following contents:

- a) Rights and obligations of the traders or organizations providing services of E-commerce trading floor;
- b) Rights and obligations of the users of services of E-commerce trading floor;
- c) Describing the trading process for each type of transaction that may be conducted on E-commerce trading floor;
- d) Reviewing operation and handling competence of the traders or organizations providing services of E-commerce trading floor upon detection of business acts of violation of law on E-commerce trading floor;
- e) Rights and obligations of the parties in transactions done on the E-commerce trading floor.
- g) Limiting responsibilities of the traders or organizations providing services of E-commerce trading floor in transactions done on the floor.
- h) Regulations on information safety and management on the E-commerce trading floor.
- i) Mechanism of settlement of disputes and complaints between parties related to the transactions done E-commerce trading floor.
- k) Policies on protection of personal information of the users of services of E-commerce trading floor specified in Article 69 of this Decree;
- l) Measures to deal with the infringement of consumer's rights on the E-commerce trading floor;
- m) Measures to deal with violations for people who do not comply with mechanism of operation of the E-commerce trading floor;

3. When there is change on one of the contents specified in Clause 2 of this Article, the traders or organizations providing services of E-commerce trading floor must notify all users of services of E-commerce trading floor at least 05 days prior to application of those changes.

SECTION 3. OPERATION OF ONLINE PROMOTION WEBSITE

Article 39. Providing online promotion services

1. The traders or organizations providing online promotion services are the ones that set up their online promotion websites to perform online promotion for goods and services of other traders, organizations or individuals (referred to as partner) under the terms of contract of promotion services.

2. Forms of online promotion services:

- a) Selling goods vouchers and services vouchers so that the customers can buy goods or use services of the partners at preferential prices or other benefits;

- b) Selling the frequent customer card to enable customers to use goods or services from a network of partners at preferential prices or other benefits compared with those upon purchase of goods and services in each individual partner ;
- c) Other forms of online promotion services stipulated by the Ministry of Industry and Trade.

Article 40. Information on promotion activities on online promotion website

1. Information about each promotion activity posted on online promotion website must include the following contents:

- a) Name, address, phone number and other contact information of the traders, organizations or individuals having goods or services to be promoted;
- b) Describing goods or services to be promoted and goods or services used for promotions, including information about the origin of goods, specifications, quality of goods or services;
- c) Promotion period, start date, end date and area of promotional activities.
- d) Price of goods and services provision before the time of promotion;
- e) Total actual costs customers must pay to possess the goods and use services promoted including the costs paid to the traders or organizations providing the online promotion services.
- g) Specific contents of conditions associated with the promotion of goods or services.

2. If the website has a mechanism for receiving online comments or feedback from customers about the goods or services promoted, these comments should be publicly displayed on the website so that the other customers can see them.

Article 41. Responsibilities of the traders or organizations providing online promotion services

- 1. Registering the set-up of online promotion service provision websites specified in Section 2, Chapter IV of this Decree.
- 2. Complying with provisions of the Commercial Law and regulations of relevant laws on promotional activities.
- 3. Complying with provisions on protection of customer's personal information specified in Section 1, Chapter V of this Decree.
- 4. Complying with provisions in Section 2, Chapter II of this Decree if the website has an online ordering function for goods vouchers and service vouchers or frequent customer cards.
- 5. Complying with provisions in Section 2, Chapter V of this Decree if the website has an online payment function.
- 6. Fully publishing contents specified in Article 40 of this Decree in each promotional information posted on their websites.
- 7. Developing and publish on their website the regulations on operation and complying with provisions in Article 38 of this Decree.
- 8. Developing and publish on their website the mechanism of receipt and settlement of customer's complaints about quality of goods or services to be promoted or goods or services used for promotion.
- 9. Taking responsibility of the third party in providing information on goods or services for consumers in accordance with the Law on the protection of consumers' interests.

10. Making compensation to customers if the goods vouchers, service vouchers or frequent customer cards that they have issued are denied by their partners contrary to the conditions published on their websites or on those goods vouchers, service vouchers or frequent customer cards.

Article 42. Responsibilities of the traders, organizations or individuals having promoted goods or services

1. Fully and accurately providing information about the goods or services to be promoted.
2. Properly implementing commitments to the quality of goods or services to be promoted according to the information provided.

Article 43. Contract of promotion services

1. Contract of promotion services between the traders or organizations providing the online promotion services with the traders, organizations or individuals having goods or services to be promoted shall comply with provisions in Article 90 of the Commercial Law and must have the following contents:
 - a) Dividing responsibilities between the parties in the implementation of the order and procedures for implementation of promotional activities in accordance with regulations of law on promotion;
 - b) Specifying the obligations to settle complaint and make compensation to customers in case the goods or services to be promoted or goods or services used for promotion are not consistent with the content announced or committed.
2. The traders or organizations providing online promotion services shall take responsibility to implement the obligations referred to at Point a and b, Clause 1 of this Article if the contract of promotion services does not specify the above contents.

SECTION 4. OPERATION OF ONLINE AUCTION WEBSITE

Article 44. Providing online auction services

1. The traders or organizations providing the online auction services (hereafter referred to as online auction service provider) are the traders or organizations setting up the online auction websites for other traders or organizations to organize auction of their goods on those websites.
2. The traders or organizations providing the online auction services shall not be entitled to organizing online auction if they do not register their business of auction services.

Article 45. Requirements on technical system to serve activities of online auction

1. Technical system to serve activities of online auction must have at least the following functions:
 - a) Recording and storing all bids in an auction;
 - b) After the start of an auction, every thirty (30) seconds showing on the website the highest bid recorded and the person offering that bid for all parties involving in the auction may see.
2. In case the system does not allow the auction participants to withdraw the bid offer, the system must have clear announcement to the auction participants about this prior to the auction. The announcement shall specify the auction participant's responsibilities in case of bid offering without goods purchase.

Article 46. Responsibilities of the traders or organizations providing online auction services

1. Registering online auction website as specified in Section 2, Chapter IV of this Decree.
2. Performing duties specified in Article 36 of this Decree.

3. Defining method and order of online auction.
4. Developing technical system to serve the online auction activities for the sellers to organize auction by the defined method and order.
5. Providing online tools for the sellers to announce and list publicly, fully and accurately necessary information related to the auctioned goods
6. Providing online tools for the sellers to post images of goods, sample of goods or materials introducing their goods to the auction participants for consideration.
7. Providing the sellers with information about the happening of auction organized by the sellers upon their request.
8. Making announcement of the auction result and sending it to the sellers and purchasers and other parties concerned as specified in Article 51 of this Decree.
9. Taking responsibilities in case of errors of technical system that cause the failure of auction.
 - a) If the errors of technical system that make the auction not start at the time the sellers intend to organize the auction, the online auction service provider must refund the sellers all costs related to the organization of auction that the sellers have paid to the online auction service provider.
 - b) If the errors of technical system that make the auction participants not offer bids after the start of auction, the online auction service provider must cancel the result of auction and allow the sellers to re-organize the auction and bear all costs related to the re-organization of auction.

Article 47. Responsibilities of the sellers on online auction website

1. Publicly and fully and accurately announcing and posting necessary information related to the goods to be auctioned.
2. Announcing the threshold price and acceptable sale price, if any.
3. Taking responsibilities for the quality and specifications of the goods to be auctioned.
4. Dealing with the buyer's complaints concerning the goods to be auctioned.
5. Not selling goods subject to pledge, mortgage or in dispute.
6. Performing other duties as prescribed in Article 37 of this Decree.

Article 48. Place and time of auction

1. Auction place is the place of permanent residence registration or the seller's head office.
2. Auction time is decided by the seller.
3. Time for bid of the auction participants is the time of sending E-document to announce a definite bid in an auction.
4. The time for recording a bid is the time the information system of the traders or organizations providing the online auction services receives the E-documents announcing the bids of the auction participants.

Article 49. Auction's announcement

Auction's announcement is done on the online auction website and must include the following contents:

1. Starting time of auction.
2. Ending time of auction.
3. Contact information of the seller.
4. Necessary information related to the goods.
5. Threshold price.
6. Acceptable sale price, if any.
7. Time limit and method of payment.
8. Time limit and method of delivery of goods to the buyers after the auction.
9. In case the goods to be auctioned must be registered for ownership as prescribed by law, the announcement of auction must include additional contents:
 - a) Time and place of goods display
 - b) Time and place of reference of goods documents;
 - c) Time and place of registration for goods purchase
 - d) Time and method to conduct procedures for transfer of goods ownership.

Article 50. Identification of goods buyers

1. For method of up-bidding, the buyer is the first person having the last bid higher than that of the previous person and higher than the acceptable sale price that shall be recorded by the information system of the traders or organizations providing online auction services before the end of auction.
2. For method of down-bidding, the buyer is the first person accepting the threshold price or the bid set lower than the threshold price that shall be recorded by the information system of the traders or organizations providing online auction services before the end of auction.
3. In case a lot of people offer the same final bid for the method of up-bidding or the threshold price for the method of down-bidding, the seller shall organize the drawing among those people to decide who the buyer is.

Article 51. Auction result's announcement

1. The traders or organizations providing the online auction services must make announcement of goods auction result right after the auction, even in cases of unsuccessful auctions.
2. Announcement must specify information about the goods, the final bid, the time at which the system receives the final bid, contact information of the buyer.
3. For goods that must be registered for the ownership as prescribed by law, announcement of goods auction result is the ground to set up contract of sale and purchase of auctioned assets and perform the relevant procedures to transfer ownership of such goods.
4. Announcement of auction result shall be sent to the sellers and the buyers' E-mail address which has been registered with the traders or organizations providing the online auction services.

5. In case a lot of people offer the same final bid for the method of up-bidding or the threshold price for the method of down-bidding, the system must send announcement to all these people and require them to make drawing to decide who the buyer is. The form of drawing is decided by the seller.

Chapter 4.

E-COMMERCE OPERATION MANAGEMENT

SECTION 1. SALES E-COMMERCE WEBSITE'S MANAGEMENT

Article 52. Conditions for set-up of sales E-commerce website

The traders, organizations or individuals are entitled to set up the sales E-commerce website if meeting the following conditions:

1. Being the traders or organizations with appropriate functions and duties or individuals issued with personal tax code.
2. Having websites with valid domain name and complying with regulations on information management on Internet.
3. Having informed the Ministry of Industry and Trade of the set-up of sales E-commerce website as prescribed in Article 53 of this Decree.

Article 53. Procedures for announcement of set-up of sales E-commerce website

1. The traders, organizations or individuals setting up their sales E-commerce websites must inform the Ministry of Industry and Trade through the online announcement tool on the Management Portal of E-commerce activities.
2. Information to be announced must include:
 - a) Domain name of E-commerce website;
 - b) Type of goods and services to be introduced on the website;
 - c) Registered name of the traders, organizations or name of the website owner.
 - d) Address of head office of the traders, organizations or permanent residence of individuals.
 - e) Number, date and place of issue of the certificate of business registration of the traders, or number, date of issue and unit issuing the establishment decision of the organizations, or tax code of the individuals;
 - g) Name, title, identification number, telephone number and E-mail address of the trader's representative and the person who is responsible for E-commerce website;
 - h) Other information as prescribed by the Ministry of Industry and Trade.

SECTION 2. MANAGEMENT OF E-COMMERCE SERVICE WEBSITE

Article 54. Conditions for set-up of E-commerce service website

The traders or organization are allowed to set up the E-commerce service provision websites specified in Section 2, 3 and 4, Chapter III of this Decree upon meeting the following conditions:

1. Being the traders or organizations having their business line or appropriate functions or duties.

2. Having websites with valid domain name and complying with regulations on information management on website.

3. Having plan for service provision specifying the following contents:

a) Model of organization and operation including operation of service provision, promotion and marketing services inside and outside online environment.

b) Structure, feature and essential information on the service provision website.

c) Dividing rights and responsibilities between the traders or organizations providing E-commerce services with the parties using services.

4. Having registered the set-up of E-commerce service provision website and having been certified for registration by the Ministry of Industry and Trade as specified in Article 55 and 58 of this Decree.

Article 55. Registration procedures for set-up of E-commerce service website

1. The traders or organizations conducting online registration with the Ministry of Industry and Trade on the set-up of E-commerce service provision websites after these websites have been completed with all structure, features and information under the service provision Plan, and operated at the domain name address registered and before these websites officially provide the users with services.

2. The registration record includes:

a) Application for set-up of E-commerce service provision website

b) A certified copy of establishment decision (for organizations), certificate of business registration, certificate of investment or License of investment (for traders);

c) Service provision plan as specified in Clause 3, Article 54 of this Decree;

d) Regulations on operation management of E-commerce service provision websites shall comply with provisions of this Decree and regulations of relevant laws.

e) Form of contract of service provision and general transaction conditions, if any;

g) Other documents specified by the Ministry of Industry and Trade.

Article 56. Modification, supplementation, re-registration and termination

1. The traders or organizations setting up E-commerce service provision websites must notify the modification and supplementation of registered information when there is one of the following changes:

a) Change of the name of the traders or organizations;

b) Change of the trader's representative and person responsible for the service provision website;

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

d) Change of domain name;

e) Change of regulation and conditions for transaction on service provision website

g) Change of terms of contract of service provision;

h) Change or supplementation of provision services on the website;

i). Other changes specified by the Ministry of Industry and Trade.

2. The traders or organizations upon receiving the transfer of E-commerce service provision website must re-register under provisions in Article 55 of this Decree.

3. The E-commerce service provision website shall be terminated its registration in the following cases:

a) At the request of the traders or organizations providing the E-commerce services;

b) The traders or organizations providing E-commerce services stop operating or transfer their E-commerce service provision website to other traders or organizations.

c) Exceeding 30 (thirty) days but the E-commerce service provision website has no operation or responds no information upon requirement of the State management agencies;

d) The traders or organizations providing E-commerce services are cancelled their registration as specified in Clause 3, Article 78 of this Decree.

e) Other cases prescribed by the Ministry of Industry and Trade.

Article 57. Reporting obligations

Before January 15 every year, the traders or organizations providing E-commerce services must make a report to the Ministry of Industry and Trade on the statistical data of operation status of the previous year as specified in Article 8 of this Decree.

Article 58. Competence to issue registration

1. The Ministry of Industry and Trade is the unit certifying the registration for the E-commerce service provision websites.

2. The Ministry of Industry and Trade shall specify requirement on the content of record, order, procedures for registration, modification, supplementation and termination of registration for the E-commerce service provision websites.

Article 59. Publish registration information

1. Right after having been certified for registration, the E-commerce service provision website shall have a registration icon on the homepage. When choosing this icon, the users are connected to the registration information of the traders or organizations providing E-commerce services on the Management Portal of E-commerce activities

2. The Ministry of Trade and Industry shall publish a list of websites that provide E-commerce services already registered, terminated or canceled their registration on the Management Portal of E-commerce activities and on other mass media.

SECTION 3. EVALUATION, MONITORING AND CERTIFICATION IN E-COMMERCE

Article 60. General principles

1. The traders or organizations organizing credit evaluation of E-commerce websites must make a registration with the Ministry of Industry and Trade.

2. The traders or organizations conducting the following activities must have license issued by the Ministry of Industry and Trade.

- a) Evaluation and certification of policy on protection of personal information of the traders, organizations or individuals involved in E-commerce;
- b) Certification of E-contract.

Article 61. Credit evaluation activities of E-commerce website

1. Conditions for conducting the credit evaluation of E-commerce website:

- a) Being the traders or organizations established under Vietnamese law with appropriate functions and duties;
- b) Being independent from organizational and financial aspects with the traders, organizations or individuals owning the E-commerce websites which are under credit evaluation.
- c) Having a set of criteria and process of evaluation of E-commerce website that are announced publicly and transparently and uniformly apply to subjects to be rated.
- d) Having registered the credit evaluation of E-commerce website with the Ministry of Industry and Trade and having been certified for registration.

2. The traders or organizations organizing the credit evaluation of E-commerce website shall be cancelled their registration in the following cases:

- a) Having fraudulent acts or providing falsifying information upon registration;
- b) Failing to comply with the procedures and criteria of credit evaluation publicly announced;
- c) Taking advantage of credit evaluation to perform acts in order to gain illicit benefits.

3. The Ministry of Industry and Trade shall specify activities of credit evaluation of E-commerce website, content of record, order, procedures for registration, modification, and supplementation, cancellation of registration for the traders or organizations conducting these activities.

4. Obligations of the traders or organizations conducting credit evaluation of E-commerce website:

- a) Monitoring operation of E-commerce websites attached with credit icon;
- b) Closely coordinating with the State agencies in inspection, examination and handling of E-commerce websites attached with credit icon but with signs of violation of law;
- c) Before the 5th date of every month, making a report to the Ministry of Industry and Trade on the updated list of E-commerce websites attached with credit icons at the end of the previous month.
- d) Before January of 15th date of every month, making a report to the Ministry of Industry and Trade on the activities of credit evaluation of E-commerce websites of the previous year.

Article 62. Policy's evaluation and certification on personal information protection in E-commerce

1. Conditions for licensing the traders or organizations conducting the evaluation and certification of policy on protection of personal information in E-commerce:

- a) Being the traders or organizations established under Vietnamese law;
- b) Having business registration or establishment decision which specifies that the field of activity is evaluation and certification of policy on protection of personal information in E-commerce;

- c) Being independent from organizational and financial aspects with the traders, organizations or individuals to be evaluated and certified for the protection of personal information;
 - d) Having detailed operation plan which has been appraised by the Ministry of Industry and Trade;
 - e) Having criteria and procedures for evaluation of policies on the protection of personal information under the regulations of the Ministry of Industry and Trade;
2. License of evaluation and certification of protection of personal information in E-commerce has a term at the proposal for licensing.
3. The traders or organizations shall be revoked their License of evaluation and certification of protection of personal information in the following cases:
- a) Having fraudulent acts or providing falsifying information for licensing;
 - b) Violating the procedures and evaluation criteria which have been appraised by the Ministry of Industry and Trade;
 - c) Taking advantage of evaluation and certification of policies on the protection of personal information to perform acts aimed at illicit profits;
 - d) Failing to deploy services after 180 (one hundred and eighty) from the licensing date.
4. Obligations of the traders or organizations evaluating and certifying the policies on protection of personal information in E-commerce:
- a) Monitoring the observance of the traders or organizations that have been certified for the policies on protection of personal information;
 - b) Closely coordinating with the State management agencies in inspecting, examining and handling the traders or organizations that have been certified for the policies on protection of personal information but have signs of violation of law.
 - c) Before January 15th of every year, making a report to the Ministry of Industry and Trade on the result of evaluation and certification of policies on the protection of personal information in E-commerce of the previous year.
5. The Ministry of Industry and Trade specifies criteria and process of evaluation and certification of policies on the protection of personal information, order and procedures issuance, modification, supplementation and revocation of operation License of these organizations.
6. Recognizing the foreign organizations of evaluation and certification of policies on the protection of personal information:
- a) Certification of policies on the protection of personal information in E-commerce issued by the foreign organizations of evaluation and certification of policies on the protection of personal information shall be recognized when those organizations are issued Certificate of recognition by the Ministry of Industry and Trade.
 - b) Foreign organization of evaluation and certification of policies on the protection of personal information are issued Certificate of recognition when meeting the following conditions:
 - That organization has been licensed or certified to be eligible for operation in this field by their competent agencies.
 - That organization is recognized by an international organization in which Vietnam is a member;

- Criteria of evaluation and certification of policies on the protection of personal information of that organization are not lower than that specified by the Ministry of Industry and Trade.
- That organization of evaluation and certification of policies on the protection of personal information has committed to comply with obligations specified in Clause 4 of this Article.

c) The Ministry of Industry and Trade specified the order, procedures for issuance and revocation of Certificate of recognition of the foreign organization of evaluation and certification of policies on the protection of personal information.

Article 63. E-contract certification

1. Conditions for licensing the traders or organizations that provide certification services of E-contract:

a) Requirements on subject:

- Being the traders or organizations established under Vietnamese law with appropriate functions and duties;
- Having detailed plan for service provision which has been appraised by the Ministry of Industry and Trade.

b) Technical and financial requirements:

The Ministry of Industry and Trade specifies the technical and financial requirements for the traders or organizations providing E-contract certification services.

2. The operation license of the traders or organizations providing E-contract certification services has a term at the proposal for licensing.

3. Obligations of the traders or organizations providing E-contract certification services

a) Taking responsibility for the security and integrity of E-documents that they have stored and certified;

b) Providing documents and assisting the State management agencies to investigate acts of violation of law related to the E-documents that they have stored and certified;

c) Before January 15 of every year, making a report to the Ministry of Industry and Trade on the E-contract certification service provision of the previous year.

4. The Ministry of Industry and Trade stipulate in detail the procedures for establishment and regulation on operation of the traders or organizations providing the E-contract certification service, cases of revocation of operation License, order, procedures for issuance, modification, supplementation and revocation of operation License of these traders or organizations.

SECTION 4. PORTAL MANAGEMENT OF E-COMMERCE OPERATION

Article 64. Management Portal's functions of E-commerce activities

1. The Ministry of Industry and Trade is responsible for the development, update and maintenance of the Management Portal of E-commerce activities.

2. The Management Portal of E-commerce activities has the following functions:

a) Providing online public services for the procedures for announcement of set-up of sales E-commerce website specified in Section 1 of this Chapter;

- b) Providing online public services for the procedures for registration of E-commerce service provision website specified in Section 2 of this Chapter;
- c) Providing guiding information about the process and forms of procedures for registration and licensing of monitoring, evaluation and certification services in E-commerce specified in Section 3 of this Chapter;
- d) Publicizing the information specified in Article 65, 66 and 67 of this Decree.

Article 65. E-commerce websites having performed procedures for announcement and registration

1. Ministry of Industry and Trade shall publicize the following list on Management Portal of E-commerce activities:

- a) List of sales E-commerce websites which have been announced as specified in Section 1 of this Chapter;
- b) List of sales E-commerce websites which have been registered as specified in Section 2 of this Chapter;

2. List of announcement specified in Clause 1 of this Article including the following information:

- a) Name of E-commerce website and type of website as having been announced or registered with the Ministry of Industry and Trade;
- b) Name and contact information of the traders, organizations or individuals that are the owners of E-commerce websites.
- c) Number of business registration of the traders, number of establishment decision of the organizations or personal tax code of individuals that are the owners of E-commerce website.

Article 66. Traders or organizations evaluating the credit of E-commerce website

1. The Ministry of Industry and Trade shall publicize on the Management Portal the list of traders or organizations providing the credit evaluation services of E-commerce website registered under the provisions of Section 3 of this Chapter.

2. List of announcement specified in Clause 1 of this Article including the following information:

- a) Name of the traders or organizations that provide the credit evaluation services of E-commerce website;
- b) Number of business registration or the number of establishment decision of the traders or organizations.
- c) Head office address, telephone number and E-mail address of the traders or organizations;
- d) List of E-commerce websites attached with credit icon by the traders or organizations;

Article 67. E-commerce websites recommending consumer's caution

1. The Ministry of Industry and Trade shall publicize on the Management Portal of E-commerce activities the following lists:

- a) List of E-commerce websites which violate regulations of law;
- b) List of E-commerce websites which are reflected with the signs of violation of law.

2. The Ministry of Industry and Trade stipulates in detail the mechanism of receiving and publication of reflected information of the organizations or individuals about the E-commerce websites specified in Clause 1 of this Article.

Chapter 5.

SAFETY AND SECURITY IN E-COMMERCE TRANSACTION

SECTION 1. PERSONAL INFORMATION PROTECTION IN E-COMMERCE

Article 68. Responsibilities for consumer's personal information protection

1. In the course of E-commerce business, if the traders, organizations or individuals collect the consumer's personal information, they must comply with the provisions of this Decree and the regulations of the relevant laws on the protection of personal information.
2. In case the traders, organizations or individuals involved in E-commerce business authorize a third party to collect the consumer's personal information:
 - a) The contract between the two parties must clearly define the responsibilities of each party in compliance with the provisions of this Decree and the regulations of the relevant laws on the protection of personal information.
 - b) If the contract between the parties does not specify the responsibilities of each party, the traders, organizations or individuals involved in E-commerce business shall take the responsibility in case the collection, storage and use of the consumer's personal information violate the provisions of this Decree and the regulations of the relevant laws on the protection of personal information.

Article 69. Policies on protection of consumer's personal information

1. The traders, organizations or individuals gathering and using the consumer's personal information must develop and publish the policies on protection of personal information with the following contents:
 - a) Purpose of collection of personal information;
 - b) Scope of using personal information;
 - c) Time of information storage;
 - d) People or organizations may have access to that information;
 - e) Address of unit gathering and managing information, including way of contact for the consumers to ask about the collection and processing information related to them;
 - g) Methods and tools for consumers to access and modify their personal data on the E-commerce system of information gathering unit.
2. The above contents must be clearly displayed for the consumers before or at the time of information gathering.
3. If the information gathering is done through E-commerce website of the information gathering unit, the policies on protection of personal information must be made public in a conspicuous place on this website.

Article 70. Asking permission from the consumers upon information gathering

1. Except for cases specified in Clause 4 of this Article, the traders or organizations gathering and using the consumer's personal information on E-commerce website (referred to as information gathering unit) must have prior consent from the consumers having that information (referred to as information subjects).
2. The information gathering unit must set up the mechanism for the information subjects to clearly express their consent through online functions on the website, E-mail, messages or other methods as agreed by the two parties.

3. The information gathering unit must have specific mechanism for the information subjects may choose the permission or refusal of using their personal information in the following cases:

- a) Sharing, disclosure and transfer of information to a third party;
- b) Using of personal information to send advertisements and introduce products and other commercial information.

4. The information gathering unit shall not need the information subject's prior consent in the following cases:

- a) Gathering personal information that has been publicized on E-commerce websites;
- b) Gathering personal information to sign or perform contract of sale and purchase of goods and services;
- c) Gathering personal information to calculate the price and charge of use of information, products and services on the network environment.

Article 71. Personal information's usage

1. The information gathering unit must use the consumer's personal information for the right purpose and scope announced except for the following cases:

- a) Having a private agreement with the information subject upon the purpose and scope of use in addition to the purposes and scope announced.
- b) To provide services or products at the request of information subject.
- c) Performing obligations as prescribed by law.

2. The use of information specified in this Article including the share, disclosure and transfer of personal information to a third party.

Article 72. Safety and security assurance of personal information

1. The information gathering unit must ensure the safety and security for personal information which it has gathered and stored and also prevents the following acts:

- a) Stealing or unauthorized access to the information;
- b) Unauthorized use of information;
- c) Unauthorized change or damage of information.

2. The information gathering unit must have a mechanism to receive and settle the consumer's complaints concerning the improper use of personal information or scope announced.

3. In case the information system is attacked causing risk of loss of consumer's information, the information storing unit must notify the authorities within 24 (twenty four) hours after the detection of incident.

Article 73. Checking, update and modification of personal information

1. The information subjects have the right to require the information gathering unit to perform the checking, update, modification or deletion of their personal information.

2. The information gathering unit shall check, update, modify or delete the information subjects' personal information upon requirement or provide the information for the information subjects to check, update or modify their personal information by themselves.

SECTION 2. PAYMENT SAFETY IN E-COMMERCE

Article 74. Responsibilities of the traders, organizations or individuals owning E-commerce website with online payment function

1. The traders, organizations or individuals owning E-commerce website with online payment function must ensure the safety and security of customer's payment transaction, handle complaints and make compensation for damages in case the customer's payment information is changed, deleted, removed, duplicated, disclosed, moved illegally or appropriated causing damage to customer.

2. In case of self development of payment solutions to serve their own sales E-commerce websites, the traders, organizations or individuals that own these websites must adopt the following measures to ensure safety and security for customer's payment transactions.

a) Setting up the information system to serve the payment activities to ensure online connection of 24 (twenty four) hours a day and 7 (seven) days a week. The downtime of the system for maintenance does not exceed not 12 (twelve) hours for each time of maintenance with prior notification to customers;

b) Encrypting information and using security protocols to ensure that no information is released on the transmission line;

c) Deploying applications capable of detection, alert and prevention of unauthorized access and other forms of attack on the network environment to the information system in service of their online payment activities.

d) Having plans to control access right to the system, the right to go in and out of the place of the information system equipment in service of their online payment activities t;

e) Having process, backup system and data recovery when the information system serving the payment activities has problem, ensuring payment data backup into information carrier or online backup of entire date;

g) Storing data of each payment transaction by term as prescribed in the Accounting Law;

h) In case the customer makes payment prior to purchase goods or services, the customer's payment must be kept at service providers.

3. The traders, organizations or individuals that own E-commerce websites with online payment function must publish on their website policies on security of customer's payment information.

Article 75. Responsibilities of the traders or organizations providing intermediary services for E-commerce website's payment

1. Complying with regulations and technical standards on intermediary services for payment issued by the State Bank of Vietnam.

2. Storing data of each payment transaction done though their system by term as prescribed in the Accounting Law;

3. Taking joint responsibility with the traders, organizations or individuals that own E-commerce websites to use intermediary services for payment in case the customer's payment information through that website is changed, deleted, removed, duplicated, disclosed, moved illegally or appropriated causing damage to customer.

4. Before January, 15th of every year, making a report to the Ministry of Industry and Trade on the statistic data of service provision to the traders, organizations or individuals involved in E-commerce activities.

Chapter 6.

SETTLEMENT OF DISPUTE, INSPECTION, EXAMINATION AND HANDLING OF VIOLATION

Article 76. Dispute settlement

1. The traders, organizations or individuals that own sales E-commerce websites shall receive and deal with customer's complaints related to the contract concluded on their E-commerce websites.
2. Disputes between the traders, organizations or individuals selling goods and providing services with their customers during the implementation contract must be settled on the basis of terms of contract published on the website at the time of contract commitment and regulations of relevant laws.
3. The traders, organizations or individuals selling goods and providing services must not abuse their dominance in the electronic environment to unilaterally settle disputes without the consent of the customer.
4. The settlement of dispute must be through negotiation between the parties, mediation, arbitration or court under the procedures and current regulations for the settlement of disputes.
5. Settlement of complaints and disputes on the E-commerce service provision websites:
 - a) The traders or organizations providing E-commerce services must publish on their websites the process of receipt, responsibility for settlement of customer's complaints and mechanism of settlement of disputes related to the contract concluded on their E-commerce websites.
 - b) If the traders or organizations providing E-commerce services do not publish information as specified at Point a of this Clause shall take responsibility for receipt and handling of customer's complaint and settlement of disputes related to the contract concluded on their E-commerce websites.
 - c) The traders or organizations providing E-commerce services may participate in mediation of disputes arising between customers and sellers on their E-commerce website.

Article 77. Inspection and examination

1. The traders or organizations specified in Section 3, Chapter IV of this Decree shall be subject to annual inspection of the Ministry of Industry and Trade concerning the compliance with the provisions of this Decree and other relevant documents. The result of inspection shall be published in Management Portal of E-commerce activities.
2. The traders or organizations specified in Section 1 and 2, Chapter IV of this Decree are subject to examination and inspection of the Ministry of Trade and Industry, Service of Trade and Industry of provinces and city as prescribed by law.

Article 78. Handling of administrative violations

1. The traders, organizations or individuals having following acts of violations, depending on nature and extent of violation, shall be sanctioned administratively as prescribed by law on handling of administrative violations in the area of E-commerce:
 - a) Violation of regulation on the acts prohibited in E-commerce activities in Article 4 of this Decree;
 - b) Violation of regulation on contract commitment in E-commerce;
 - c) Violation of regulation on responsibilities of subjects in E-commerce;
 - d) Violation of regulation on announcement of set-up of sales E-commerce website;

- e) Violation of regulation on registration of E-commerce service provision website
- g) Violation of regulation on evaluation and certification in E-commerce
- h) Violation of regulation on protection of personal information in E-commerce;
- i) Violation of regulation on payment safety in E-commerce;
- k) No compliance with requirements of the competent State agencies upon examination and inspection as prescribed by law.
- l) Continued operation after the traders or organizations have been terminated their registration for E-commerce service provision.
- m) Continued operation after having terminated or cancelled the registration, terminated or revoked License of evaluation, monitoring and certification on E-commerce.
- n) Violation of other provisions of this Decree.

2. In addition to the administrative sanctions, the authorities shall consider depending on the nature and extent of the violation of the traders or organizations to make a decision on suspension of operation / revocation of use of license or cancellation of registration of E-commerce service provision website for violations specified in Clause 1 of this Article.

3. In case the traders, organizations or individuals that violate and cause damage to material interests of other traders, organizations or individuals, they must make compensation as prescribed by law.

4. Principle of sanction, statute of limitations for sanction and procedures for sanction of administrative violations in the E-commerce activities shall comply with the provisions of the Law on Handling of Administrative Violations and relevant documents.

5. Inspector of the Ministry of Industry and Trade, the market management agency, inspector of the Service of Trade and Industry of centrally-affiliated provinces and cities and other State agencies have the right to sanction administrative violations in the E-commerce activities under the competence specified in the Law on Handling of Administrative Violations and the relevant documents.

Chapter 7.

IMPLEMENTATION PROVISION

Article 79. Effect

1. This Decree shall take effect on July 1, 2013.
2. This Decree supersedes the Decree No. 57/2006/ND-CP dated June 9, 2006 of the Government on e-commerce.
3. The E-commerce websites established and operating before the effective date of this Decree must make announcement or re-registration under the provisions of this Decree within 90 (ninety) days from the effective date of Decree.

Article 80. Implementation responsibilities

1. Ministry of Industry and Trade is responsible for guiding and examining the implementation of this Decree.
2. The Ministers, heads of ministerial-level agencies, heads of government-attached agencies and Chairman of People's Committees of centrally-run provinces and cities are liable to execute this Decree. /.

For the Government

Prime Minister

Nguyen Tan Dung