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New Circular expands scope on the management of e-commerce via website and mobile applications

On 20 August 2018, the Ministry of Industry and Trade (“MOIT”) issued Circular No. 21/2018/TT-BCT (“Circular 21”) to amend several articles in Circular No. 47/2014/TT-BCT (“Circular 47”) and Circular No. 59/2015/TT-BCT (“Circular 59”) on the management of e-commerce via websites and applications on mobile devices. Circular 21 is effective from [18 October 2018](#).

Key highlights of Circular 21 are as follows.

1. Notification of E-Shopping Websites.

Circular 21 removes Article 8 from Circular 47. Article 8 deals with the requirements of entities to notify the MOIT with regards to their e-shopping websites. Under the deleted article 8, entities that were required to notify the MOIT comprised (i) traders; (ii) organisations whose functions and duties include the selling of goods and services or other online e-commerce activities; and (iii) individuals granted personal tax identification numbers but are not required to apply for business registration. With the deletion, the obligation to notify the MOIT with regards to e-shopping websites has now been expanded to include all traders, organisations, and individuals selling goods on their own websites.

2. Registrants of E-commerce Website Rating Activity

Article 21 of Circular 47, which specified the list of subjects that were required to register their e-commerce site rating activities to the MOIT was also deleted. Deleted article 21 provided a narrowed list of subjects that were required to register: individuals or organisations that are involved in trade promotions or enterprise or support organisations, media agencies, industry trade associations or consumer protection organisations and traders that are already registered for the e-commerce service industry and have developed operation to provide such services. With Article 21 deleted, the obligation to register e-commerce site rating activities to the MOIT will now be applicable to all traders or organisations conducting e-commerce site rating activities.

3. Registrants of E-commerce sites Expanded

Article 13 of Circular 47 was amended via Circular 21. Article 13 deals with the registrants for e-commerce service websites. Previously registrants were “traders or organisations **operating in trade promotion or enterprise support** providing one of the following services: (i) e-commerce exchange services; (ii) online promotion service; or (iii) online auction service”. The category of registrants has now been expanded and removes the qualification by deleting the italicized phrase set forth above.

4. Owners of Sales Applications must Notify the MOIT

Article 10 of Circular 59 had provided a more restrictive set of subjects required to notify, its goods sale application to the MOIT. Such entities included: (i) traders; (ii) organisations **with their functions and tasks covering the organisation of goods sale, service provision or performance of e-commerce activities**; or (iii) individuals who have tax identification numbers **and are not subject to business registration in accordance with the law on business registration**. The amendments in article 10 widened the scope by eliminating the italicized language above to encompass goods sale applications owned by “ all traders, organisations or individuals that have been issued with personal tax codes.”

5. Expanded list of Subjects Required to Register E-commerce Service

Similarly, article 13 of Circular 59 was amended to expand the list of subjects required to register their e-commerce service provision applications to the MOIT. Previously registration was compulsory for traders or organisations “**engaged in the field of trade promotions or assisting enterprise**”. Now, all traders or organisations owning e-commerce service provision applications are required to register with the MOIT.

In summary, with the issuance of Circular 21, the MOIT has expanded the scope of traders, organisations and individuals subject to management of e-commerce via websites and applications on mobile devices.

If you have any questions or require any additional information, you may contact [Phuong Nguyen](#), [Trang Hoang](#) or the ZICO law partner you usually deal with.

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