



Draft as of 1 December 2021

COMMENTS ON THE DRAFT CIRCULAR AMENDING, SUPPLEMENTING CERTAIN ARTICLES OF CIRCULAR NO. 47/2014/TT-BCT ON MANAGEMENT OF E-COMMERCE WEBSITES AND CIRCULAR NO. 59/2015/TT-BCT MANAGEMENT OF E-COMMERCE ACTIVITIES VIA APPLICATIONS ON MOBILE DEVICES
 (“DRAFT CIRCULAR”)

| No. | Article | Comments/Concerns | Recommendations |
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| 1. | Article 14.2 of Circular No. 47 | Currently, Article 14.2 of Circular No. 47 requires applicants of the registration procedure to submit their Establishment Decision / Enterprise Registration Certificate / Investment Certificate as part of their registration dossier to the Ministry of Industry and Trade (MOIT). These are documents issued by Vietnam authorities and are not available in other countries. Therefore, the dossier required under Article 14.2 should only apply to onshore applicants. | We suggest that there should be two separate procedures with different documents to be submitted by onshore and offshore applicants under the Draft Circular. |
| 2. | Article 14.4 of Circular No. 47 | Currently, this Article requires the operation regulations of e-commerce platform to have mandatory contents following Article 38 of Decree No. 52. If this requirement also applies to foreign e- | We suggest that the review of the mandatory contents of foreign offshore applicants should be based on currently available terms of services / terms and conditions instead of a |



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| | | <p>commerce service providers under the Draft Circular, they will have to amend and adapt their entire existing Terms and Conditions / Terms of Services (or other Terms that are equivalent to the operation regulations) to reflect the mandatory contents of Article 38 of Decree No. 52.</p> | <p>new operation regulations specifically for Vietnam.</p> |
| 3. | <p>Article 15, 16 of Circular No. 47 are not amended</p> | <p>The Draft Circular does not propose any amendment to these Articles. Thus, foreign e-commerce service providers will have to follow the same registration procedure applicable to onshore e-commerce service providers:</p> <ul style="list-style-type: none"> - Submit the required documents via MOIT's online portal for review and acceptance. - Once accepted, a set same set of registration document in hard copy must be sent to the MOIT for their second review. <p>This procedure is too onerous for foreign e-commerce service providers given the fact that they will have to arrange cross-border delivery of the exact same information already reported to the MOIT.</p> | <p>We suggest clearly setting out two different registration procedures for onshore service providers and foreign e-commerce service providers. For foreign e-commerce service providers, a one-time online registration should be sufficient.</p> |



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| 4. | Article 20 as amended by the Draft Circular | Under the amended Decree No. 52, foreign e-commerce service providers are required to report the statistics on their operations in the preceding year before 15 January every year to the Ministry of Industry and Trade (MOIT). However, the revised Article 20 in the Draft Circular does not include foreign e-commerce service providers as the reporting entities. Furthermore, it is also unclear as to the specific content required in the report. | We suggest clearly setting out the specific content in annual operation report required from foreign e-commerce service providers in the form of a separate template attached to the Draft Circular for stakeholders' review and opinions. |
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