

EXPERIENCES AND PRACTICES SHARING IN E-COMMERCE

Department of Electronic Commerce and Informatization
Ministry of Commerce (MOFCOM), P.R.China

The E-commerce Law



E-commerce Law of the People's Republic of China

The E-commerce Law

Preparation

In December 2013, the Finance and Economic Committee of the National People's Congress took the lead in the legislation of e-commerce, and set up a drafting group of e-commerce law with the participation of twelve departments of the State Council.



16 key projects



30+ research reports

The E-commerce Law

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4

outlines



2

drafts

Drawing on the Experiences and Practices of International Organizations and Major Countries



field investigation



seminar



UNCITRAL

USA

EU

JP

SG

The E-commerce Law

Since December 2016, the Electronic Commerce Law has undergone four deliberations and finally passed on August 31 of this year.

2016.12

first

2017.10

second

2018.06

third

2018.08

fourth

Deliberation

The E-commerce Law

7 chapters , 89 articles

chapter1 General Provisions

chapter2 E-commerce Businesses

section1 general rules

section2 platform

businesses

chapter3 E-commerce Contracts

chapter4

Settlement of
Disputes

chapter5

Promotion

chapter6

Legal Liability

chapter7

Supplemental
Provision

The E-commerce Law

General Provisions

Definition, Scope of Application, Basic Principles, Administration and Governance



For the purpose of this Law, "e-commerce" means business activities of selling commodities or providing services through the Internet or any other information network.

The E-commerce Law

General Provisions

Basic Principles

National level

Encouraging the Development



Online and offline consistency

Market level

Voluntary, Equal, Fair, Honest and Green

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E-commerce Businesses

General rules

four types

General Obligations

- **e-commerce platform businesses**

- **in-platform businesses**

- **e-commerce through a self-built website**

- **others**



registration (Art.10)



tax (Art.11)



transparency (Art.15&16)



honesty (Art.17)



advertisement (Art.18)



tie-in sale (Art.19)



privacy protection (Art.23&24)



fair competition (Art.22)



Providing data information(Art.25)

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The E-commerce Law

Particular provisions for platform businesses



cyber real-name system®ister for in-platform businesses

take necessary disposition measures in accordance with the law



Establish fair and reasonable trading rules

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Particular provisions for platform businesses



Joint responsibility&Corresponding responsibility



Intellectual property protection

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E-commerce Contracts

Civil capacity

Delivery of target

electronic payment

Establishment of contract

Express Logistics

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The E-commerce Law

Settlement of disputes



Consumer Protection



Online settlement system

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Promotion of E-Commerce

Development planning

Support cross-border E-commerce & E-commerce in rural area

Support E-commerce with environmental protection

Encourage integrated development of E-commerce and all Industries

Encourage E-commerce Data flow and Sharing

The E-commerce Law

Legal Liability

injunctions, fines and so on

Maximum fine **2 Million**

- Violation of fair competition
- Violation of consumers' safety protection
- Violation of intellectual property protection



The E-commerce Law

Supplemental Provision

电子商务法



This Law shall come into force on January 1, 2019.



Thanks