

ASEAN COORDINATING COMMITTEE ON ELECTRONIC COMMERCE
(ACCEC)

GUIDELINE ON ACCOUNTABILITIES AND RESPONSIBILITIES
OF E-MARKETPLACE PROVIDERS

A. Background and Overview

Electronic commerce (e-commerce) has become ubiquitous in the global market and is developing rapidly in the ASEAN region. This development comes up with challenges in building trust to ensure consumers benefits.

Realising the important role of trust in e-commerce, the ASEAN Economic Ministers have adopted the ASEAN Work Programme on Electronic Commerce (AWPEC) 2017-2025, which aims to facilitate cross-border e-commerce in ASEAN, covering multi-sectoral initiatives in different areas of e-commerce, and especially to facilitate methods to solve trust-related issues within e-commerce environment.

The Guideline on Accountabilities and Responsibilities of e-marketplaces (*herein after referred to as the Guideline*) is one of the initiatives to create a conducive environment for the growth of e-commerce platforms, unlock cross-border trade opportunities and foster the development of consumer confidence in the region.

B. Scope and Definitions

This Guideline, as a non-binding paper, targets online intermediaries providing platforms for online selling of e goods/services which are known as e-marketplaces.

This Guideline shall not apply to services of data processing, banking, finance and insurance.

For the purpose of this Guideline:

E-marketplace means an online intermediary that allows participating merchants to exchange information about products or services to enter into an e-commerce transaction, which may or may not provide information/services about payments and logistics.

Merchant means an organization or a retailer selling products or services to customers through an e-marketplace.

Returns mean the act of returning a product to the merchant to receive a refund, repair, or exchange within the stated valid period.

C. Objectives

The Guideline was developed with the objectives to:

- Provide guidance to and encourage online intermediaries to issue transparent and fair terms and conditions for online transactions on their e-marketplaces;
- Build and strengthen consumer trust in e-commerce; and
- Create a healthy and user-friendly business environment on the Internet.

D. Guiding Principles

The Guideline consists of 4 principles which e-marketplace providers are encouraged to consider and incorporate when developing their platforms' policies, terms and conditions.

Principle 1: Personal Data Protection

1. E-marketplace providers should develop clear policies on the protection of personal data and to make the information easily accessible to customers upon request in local/preferred language, where applicable.
2. On the policy of protecting personal information, the e-marketplace providers should:
 - a) Inform customers of the purpose(s) of the collection, use or disclosure of personal data;
 - b) Clearly specify the types and ways in which personal data is collected, used and disclosed;
 - c) Clearly define the responsibilities, measures and remedies (and that of its intermediaries and partner merchants) to protect customers' personal data against loss and authorized access, collection, use, disclosure, copying, modification, destruction or similar risks.
3. E-marketplace providers should allow customers to access their personal data and correct an error or omission in his/her personal data.
4. E-marketplace providers should ensure that personal data is accurate and complete to the extent necessary for the purposes for which the personal data is to be used or disclosed to the third parties.
5. E-marketplace providers should require data processors, agents, contractors or other entities to whom personal data is transferred, to protect against loss, unauthorized access, use, modification, disclosure or other misuses of the data.

Principle 2: E-contracting

6. E-marketplace providers should state and update, as soon as there are changes, their contact point's information including name, address, phone number and email address.
7. The accountabilities and responsibilities of parties including the e-marketplace providers, merchants and customers should be well stated on the e-marketplace.
8. E-marketplace should endeavor to adopt commonly electronic payment methods.
9. E-marketplace providers should require merchants to provide good quality and true images of products/services and accurate descriptions so as to ensure that customers obtain the proper information when purchasing their products/services.
10. E-marketplace providers should request merchants to provide all information related to the product/services including the service/product's name and other information (including, but not limited to model, quality, material, color, quantity, size, shape, country of origin, safety standards/labels etc.) in the preferred/local language, where applicable.
11. Regarding terms and conditions, e-marketplace providers should request merchants to provide the following information in the preferred/local language, where applicable:
 - a) Price and any related costs/fees;
 - b) Time and method of payment;
 - c) Duration and delivery mode (required time for delivery or the arrival day);
 - d) How to place an order;
 - e) Duration to reply for an order;
 - f) Returns and Cancellation Policies;
 - g) Warranty Policies;
 - h) Special instructions for shipping or storage where applicable.
12. E-market place providers should allow customers to review, modify or confirm the detailed transaction before placing an order.
13. Detailed transaction records should include:
 - a) name of goods or services;
 - b) quantity;
 - c) taxes/fees/charges;
 - d) total value of order;
 - e) methods and time of delivery; and
 - f) payment information.
14. Detailed transaction records should be stored, displayed and printed as needed.

15. E-marketplace providers and merchants, as requested by online platform providers, should inform consumers about the changes in time of delivery, item availability, price and additional taxes/fees in the case of delay or any force majeure.
16. E-market place providers should allow customers to decline receiving e-mail and other methods of advertising by electronic means.
17. Return or exchange of goods should be accepted with an advance notification about the terms and conditions of repayment, and any related incurred costs. If not, a considerable reason should be provided to both the customers and online platform providers.
18. E-marketplace providers should delist merchants if they are found to be non-compliant with stated responsibilities or their products/services are found to be non-compliant with applicable domestic requirements.

Principle 3: Honest Advertising

19. During promotion or discount campaign/programs, e-marketplace providers should clearly provide or require merchants to provide the following information:
 - a) Effective date of the promotion or discount campaign/program;
 - b) Original price, and discounted price or percentage discount;
 - c) Number of products and services applicable under the program/campaign;
 - d) Effective location; and
 - e) Other conditions, where applicable.
20. E-market place providers and their merchants should provide ethical and honest information of advertising.

Principle 4: Dispute Resolution.

21. E-marketplace providers should develop terms of dispute resolution in local/preferred language (where applicable) with clear procedure and a contact point information including name, phone number and email.
22. E-market place providers should allow customers to retain the product and proof of purchase to aid in resolving the dispute.
23. Dispute resolution terms should be displayed at an appropriate location on the e-marketplace.
24. Terms of dispute resolution should be applied to all merchants.

E. Amendments

This Guideline may be reviewed periodically and amended at any time to incorporate new developments or changes, by mutual agreement amongst the members of ASEAN Coordinating Committee on E-commerce (ACCEC).