

GUIDE
CHECKLIST:
WHAT EVERY
E-MERCHANT
NEEDS TO KNOW?
ecommerce4all.eu

2022

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ABOUT THE PLATFORM

ecommerce4all.eu

The ecommerce4all.eu platform is a resource and information center on key e-commerce aspects for all CEFTA markets (Albania, Bosnia and Herzegovina, N. Macedonia, Moldova, Montenegro, Serbia, and Kosovo*). The web platform consists of relevant e-commerce data and resources, including basic e-commerce data, interactive graphs, and data on CEFTA e-commerce market development, as well as data on key aspects of doing business in e-commerce.

The data on key aspects of doing business in e-commerce is structured in five modules: e-commerce data, regulation, payment, delivery, and e-commerce success stories in all CEFTA markets. Each of these modules will contain relevant market-specific information, tutorials, manuals, topic-related documents, and video presentations, except for the first module “e-commerce data” which is meant to present the state of e-commerce in all CEFTA markets through statistics and data on the development of the e-commerce markets (interactive graphs of the state of e-commerce in each market and comparisons of e.g. customers, payment cards, digital skills, UNCTAD B2C e-commerce readiness index and other relevant Eurostat data). All data is presented in both the local language of each of the CEFTA markets and in English.

The platform is supported by the Open Regional Fund for South – East Europe – Foreign Trade project, implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the European Union and the German Federal Ministry for Economic Cooperation and Development (BMZ).

*This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Do you have an e-store or are you planning to launch one soon? This list can serve as a guide to what you should have posted on your website and what you should follow according to the Electronic Commerce Law and the Consumer Protection Law.

WHAT CONDITIONS SHOULD THE E-MERCHANT FULFILL?

For an e-merchant to do its job and meet the requirements accordingly, it is important to know that:

- It may or may not have a physical store in order to operate.
- It can work exceptionally only over the internet.
- No shift work required. It can be staffed by one-person 24/7 because the processes are automated.
- No fiscal equipment is needed. If payments are made online, the e-merchant is not required to own fiscal equipment.



WHAT INFORMATION YOU SHOULD HAVE CLEARLY POSTED ON YOUR WEBSITE?

The information that should be clearly posted is usually found in the footer of the website.

*In accordance with the Article 7 paragraph (1) of the Electronic Commerce Law (Information and Commercial Communication):




- Name/title of the service provider (if it is an online intermediary company name and name and headquarters of the service provider or product seller)
- Headquarters/address/contact data (email address)
- Commercial register in which the merchant registered (if it is a travel agency, the license number should be indicated)
- Data from the competent authority (if the service provider is subject to the obligation to issue licenses or other types of approvals)
- Tax number (if the e-merchant is a VAT payer)

In addition to this information, the information society service provider who performs a regulated profession is obliged to make the following information available:

*In accordance with the Article 7 paragraph (2) of the Electronic Commerce Law (Information and Commercial Communication)

- Data on the institution in which the service provider is registered;
- The professional title and the country in which that title was acquired and
- Reference to the professional rules in the country in which he performs the activity and the method of access to them.

In addition, according to the Consumer Protection Law, which also provides for articles relating to e-merchants, every e-merchant on its website should display:




-  Terms of Sale (or referred to as Terms of Purchase)
-  Product return policy
-  Form for withdrawing or returning a purchased product/service



WHAT INFORMATION ABOUT THE PRODUCTS AND SERVICES THAT ARE SOLD SHOULD BE PUBLICLY DISPLAYED?

*In accordance with the Article 7 paragraph (3) of the Electronic Commerce Law (Information and Commercial Communication)

The online seller is obliged to highlight the following information in a clear and concise manner:

-  Clearly marked (unambiguous) price of the product-service offered (including taxes or other costs)
-  Shipping/Delivery Costs
-  If there are other additional costs, they should be clearly stated






WHAT RULES APPLY TO THE ORDER AND CONFIRMATION OF ORDER RECEIPT?

Every purchase is a contract between the merchant and the buyer. Basic elements of the contract are: price, performance of a service or delivery of certain goods.

In accordance with the Article 13 of the Electronic Commerce Law, the following rules apply to the order (unless it is about making an order exclusively by using e-mail or another form of personal communication):

-  When placing an order, the seller should enable the buyer to easily see the data and make corrections as needed
 - The price should be clearly displayed with all taxes included
 - If there are shipping costs, they should be clearly stated
 - The buyer should be able to easily correct the shipping data (if shipping is included)

The order and confirmation of receipt are considered received when they are available to the parties to whom they are addressed. The order should also be clear and unambiguous and should contain the information about the executed order.

The buyer, when placing an order electronically, is obliged to ask the seller to provide him with a confirmation of receipt of the order with a separate electronic message electronically and without delay.

The order receipt confirmation is sent by email and should contain:

- Order number
- Date
- Information about the seller (name, address, contact)
- Name of the purchased product/service

- The charged price is clearly and unambiguously displayed
- If it is an online intermediary, it is necessary to have the data for the online intermediary (mostly in the footer of the email message)

In accordance with the Article 20, the e-merchant is not responsible for erroneously entered data of the buyer as well as for the content of the information he stores if he did not know that there was an illegal action related to it. If he notices or finds out about an illegal activity, he should inform the competent authorities.

WHAT SHOULD BE THE FORM AND VALIDITY OF ELECTRONIC CONTRACT?

The offer and acceptance of the offer can be made electronically, that is, in electronic form. Contracts can be concluded electronically, that is, in electronic form. The contract in electronic form is considered concluded at the moment when the offeror receives the electronic message containing the recipient's statement that he accepts the content of the contract.



WHAT SHOULD YOU KNOW WHEN YOU PROMOTE YOUR PRODUCTS AND SERVICES?

*Commercial communication and unsolicited commercial communication from the Electronic Commerce Law (Article 8 and Article 9)

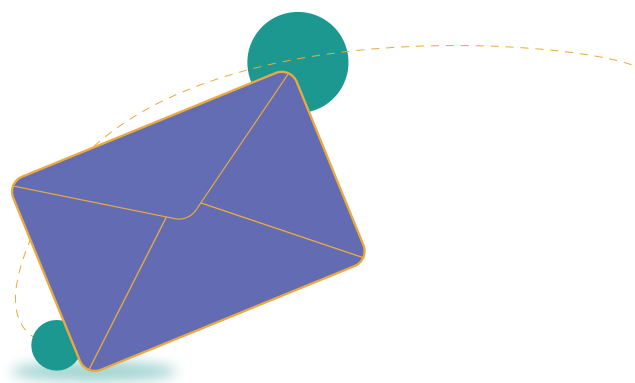
Companies may send commercial messages to potential or existing customers who have left their contact details and agreed to receive promotional messages. In accordance with the Article 8, it is necessary to keep the following information:

- To be able to identify from the message that it is a commercial communication
- To be able to identify the sender - the natural or legal person on whose behalf the commercial communication is made

For example, when a company sends an email with offers for products and services to end customers, it is a practice to include the following in the footer of every sent email message:

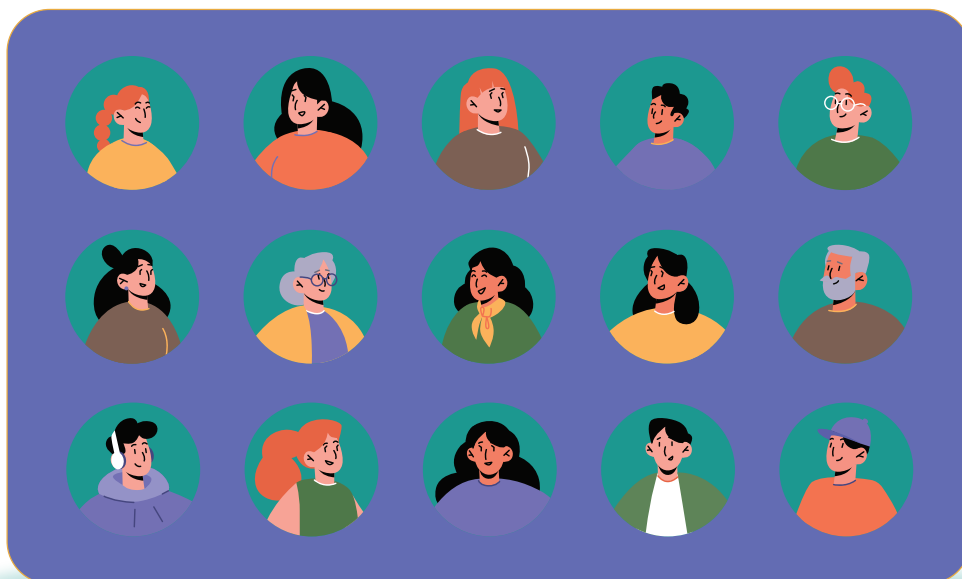
- The sender's name/title
- The address
- The email address at which the recipient can contact the sender
- Possibility for the recipient to be able to log out (unsubscribe) from receiving promotional messages in the future)

In accordance with the Article 9 on unsolicited commercial communication, the sender may send promotional messages only with the prior consent of the recipient (in accordance with the Electronic Communications Law).



OUR RECOMMENDATION

Hiding information is harmful! Inform yourself about the laws applicable to the product/service you offer online and highlight all the information and terms of sale on your web pages, because in the new digital transparent world the buyer is more powerful than ever. For the sake of your business and its growth, practice ethical behavior and be fair with your customers. These are people who have given you their trust and whom you should take care of. A disgruntled customer will spread a bad word far more than a good one. Care is the best marketing tactic.



We wish you successful work and progress.

commerce4all

REGIONAL PLATFORM

Project implementator



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