



DISTANCE SELLING CHECKLIST

A list of the information you need to provide to your customers if you sell at a distance

E-Commerce Regulations (ECRs) checklist

Distance selling at a glance will help you determine whether the E-Commerce Regulations (ECRs) apply to your business. They will apply if you supply information society services: services normally provided on request for payment, at a distance, by means of electronic equipment for the processing and storage of data. It includes, for example, any marketing or selling of goods or services via the internet, email, text messaging and interactive TV. If they do apply, then this checklist will help you determine what you need to do to comply.

Pre-contract information you must provide to your customers before they decide to buy

This information must be easily, directly and permanently accessible.



The full name of your business.	
The geographic address of your business, which means your home address if you are trading from home, as that is where your business is established.	
Your contact details, including an email address, to enable rapid, direct and effective communication with you.	
Details of any trade register (or similar organisation) with which you are registered, including <ul style="list-style-type: none"> ➡ the name of the register ➡ your registration number or other reference. 	
If your service is subject to an authorisation scheme, details of the relevant supervisory authority.	
If you are a member of a regulated profession, details of <ul style="list-style-type: none"> ➡ any professional body with which you are registered ➡ any professional titles you hold ➡ the European Union member states in which the titles have been granted ➡ how to access the professional rules and a short description of them. 	
If you are subject to VAT, your VAT registration number.	
Where you refer to prices, a clear and unambiguous indication of those prices and whether the prices include taxes and delivery costs (but the Distance Selling Regulations (DSRs) also require you to quote prices inclusive of all taxes if the sale is covered by the DSRs).	



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ECRs checklist continued

The ECRs don't expressly state when this information should be supplied, but we consider that it must be available at the time of concluding a contract.

Some of the information overlaps with the information that you must supply under the DSRs. However, the key difference is that under the DSRs, the pre-contract information can be supplied orally (if you are selling by phone), while under the ECRs, this information must be permanently accessible, for example, on your website.

Pre-contract information you must provide to your customers before they decide to buy – when your contracts are concluded by electronic means*

This information must be provided in a clear way, on your website or any other means you use to conclude the contract, in comprehensible language.



The different technical steps to follow to conclude the contract.	
Whether or not the contract will be kept by you and whether the concluded contract will be accessible by you.	
How customers can identify and correct input errors prior to placing the order.	
The languages offered for conclusion of the contract.	
Any relevant codes of conduct to which you subscribe and information about how they may be consulted electronically.	

Note: Any terms and conditions applicable to the contract must be made available to your customer in a way that allows them to store and reproduce them.

*A contract is concluded when the customer becomes bound to buy something and the business becomes bound to supply it. The conclusion of a contract is determined by the facts in each case. It is in your interest to make clear to your customers exactly when a binding agreement will be reached. Electronic means are, for example, on a website or interactive television (but not by email or other individual communication).



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ECRs checklist continued

Information you must provide to customers when you promote your goods, services or business electronically

Electronic commercial communication (anything which promotes your goods, services or business) which is, or forms part, of an information society service** must clearly identify the below.

This requirement applies to promotion of any goods, services or business regardless of whether the business is an information society service provider.



Itself as a commercial communication.	<input type="checkbox"/>
You as the person making the communication.	<input type="checkbox"/>
Any promotional offer (including any discount, premium or gift) as such.	<input type="checkbox"/>
Ensure that any conditions that must be met to qualify for an offer, and ensure they are easily accessible and presented clearly and unambiguously.	<input type="checkbox"/>
Any promotional competition or game as such.	<input type="checkbox"/>
Ensure that any conditions for participation in a promotional competition or game and ensure they are easily accessible and presented clearly and unambiguously.	<input type="checkbox"/>

**Information society services are services normally provided on request for payment, at a distance, by means of electronic equipment for the processing and storage of data. It includes, for example, any marketing or selling of goods or services via the internet, email, text messaging and interactive TV.

This checklist provides a handy list of the main things you must do to comply with the E-Commerce Regulations (ECRs).

For further information regarding this and other distance selling related regulations, please read *Distance selling explained* at www.offt.gov.uk/distanceselling

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