

THE PRESIDENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 03/2016/L-CTN

Hanoi, April 19, 2016

ORDER
On the promulgation of law¹

**THE PRESIDENT OF THE SOCIALIST REPUBLIC OF
VIETNAM**

*Pursuant to Articles 88 and 91 of the Constitution of the Socialist
Republic of Vietnam;*

*Pursuant to Article 57 of the Law on Promulgation of Legal
Documents,*

PROMULGATES:

The Press Law,

which was passed on April 5, 2016, by the XIIIth National Assembly
of the Socialist Republic of Vietnam at its 11th session.

*President of
the Socialist Republic of Vietnam*
TRAN DAI QUANG

¹ Công Báo Nos 339-340 (18/5/2016)

No. 103/2016/QH13

Press Law²

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Press Law.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law prescribes citizens' rights to freedom of press and freedom of speech in the press; the organization and activities of the press; rights and obligations of agencies, organizations and individuals that participate in and are related to press activities; and state management of the press.

Article 2. Subjects of application

This Law applies to the agencies, organizations and individuals that participate in and are related to press activities in the Socialist Republic of Vietnam.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Press* means an information product on an event or an issue in social life that is expressed in words, images and sounds, periodically created and published, distributed and transmitted to the general public through print media, audio media, visual media and online media.

2. *Press activities* include the creation of journalistic works, journalistic products, journalistic information products; provision of information and information feedback to the press; correction of information in the press; publishing, printing and distribution of print press; transmission of online press and transmission and broadcasting of audio press and visual press.

² Công Báo Nos 339-340 (18/5/2016)

3. *Print press* means the type of press using the text, pictures and photos that are created by printing equipment for distribution to readers, including print newspapers and print magazines.

4. *Audio press* means the type of press using voice and sound transmitted and broadcast on technical infrastructure facilities applying different technologies.

5. *Visual press* means the type of press mainly using images in combination with voice, sound and text transmitted and broadcast on technical infrastructure facilities applying different technologies.

6. *Online press* means the type of press using text, photos and sound transmitted online, including online newspapers and online magazines.

7. *Journalistic work* means the smallest constituent of journalistic products with independent content and complete structure, including news and articles expressed in text, sound or image.

8. *Journalistic product* means a publication or supplement of a print press; complete content of online press; news bulletin; radio channel, television channel; or specialized page of an online press.

9. *News bulletin* means the periodically published journalistic product of the state news agency expressed in text, voice, sound and image to convey domestic and world current affairs, or specialized information.

10. *Radio program, television program* means the collection of news and articles in an audio press or a visual press on a certain theme broadcast within a certain amount of time with recognizable signs of opening and ending.

11. *Radio channel, television channel* means a journalistic product consisting of radio or television broadcasts that are arranged stably and continuously and broadcast within a certain time frame with recognizable signs.

12. *Supplement* means extra pages in addition to the registered number of pages which are distributed together with the main edition of a print press.

13. *Home page* means the first displayed information page of an online press having the address of the domain name specified in the activity permit of the online press.

14. *Specialized page of online press* means the information page on a certain topic conformable with the guiding principles and purposes of

an online press having a subdomain name of the domain name stated in the activity permit of the online press.

15. *Online magazine* means a journalistic product periodically published with specialized news and articles and transmitted online.

16. *Scientific journal* means a journalistic product periodically published to announce findings of scientific research and information on specialized scientific activities.

17. *Journalistic information product* means an information product presented in a journalistic style and published in a newsletter, a special issue or a news aggregation website of an agency, organization or enterprise.

18. *Newsletter* means a journalistic information product periodically published, which uses news stories to provide information on internal activities, professional instructions, findings of research and application, and results of seminars and conferences of an agency, organization or enterprise.

19. *Special issue* means a journalistic information product irregularly published based on event or issue.

20. *News aggregation website* means a journalistic information product of an agency, organization or enterprise, which provides information on the basis of posting links to journalistic information sources or provides verbatim and accurate journalistic information sources in accordance with the law on intellectual property.

Article 4. Functions, tasks and powers of the press

1. The press in the Socialist Republic of Vietnam is an essential medium of communication for social life; is the voice of Party and state agencies, socio-political organizations, socio-politico-professional, social organizations, and socio-professional organizations; and is a forum of the People

2. The press has the following tasks and powers:

a/ To provide truthful information about domestic and world affairs in line with the interests of the country and People;

b/ To propagandize and disseminate, and contribute to the formulation and protection of, the line and policies of the Party, policies and laws of the State, achievements of the country and the world according to the guiding principles and purposes of press agencies; to contribute to the political stability and socio-economic development, raise the People's intellect, satisfy the healthy cultural needs of the People, protect and promote the fine traditions of the nation, build and

promote socialist democracy, strengthen the great national unity bloc, and build and protect the socialist Fatherland of Vietnam;

c/ To reflect and guide public opinion; to act as a forum for the People to exercise their right to freedom of speech;

d/ To discover and report on examples of good people and good deeds, new factors and advanced models; to prevent and fight against violations of law and negative phenomena in society;

dd/ To contribute to maintaining the purity and clarity and development of the Vietnamese language and languages of ethnic minorities of Vietnam;

e/ To promote mutual understanding among countries and peoples, participate in the cause of the world people for peace, national independence, friendship, cooperation and sustainable development.

Article 5. State policies on press development

1. Adoption of strategies and master plans on development and management of the press system.

2. Investment with focuses and priorities in the training and retraining of human resources in professional knowledge and skills and management of press activities, scientific research and application of modern technology for press agencies.

3. Placement of orders to the press to serve political, security, national defense and external information tasks and serve young children, people with hearing and visual impairments, and people in ethnic minority areas, areas with extremely difficult socio-economic conditions, deep-lying areas, remote areas, and mountainous and border areas and on islands, and other important tasks in each period under decisions of the Prime Minister.

4. Support of the cost of transportation of the press to serve the tasks, people and areas prescribed in Clause 3 of this Article.

Article 6. Contents of state management of the press

1. Formulating, and directing and organizing the implementation of, strategies, master plans and plans on development of the press.

2. Promulgating, and organizing the implementation of, legal documents on the press; developing regimes and policies for the press.

3. Organizing the provision of information to the press; and managing information of the press;

4. Providing training and retraining to improve the political level, professional qualifications and professional ethics for journalists of press agencies and press managers.

5. Organizing management of scientific and technological activities in the field of the press.

6. Granting and revoking all types of permit in press activities and press cards.

7. Managing international cooperation on the press, activities of Vietnamese press agencies related to foreign countries and activities of foreign press in Vietnam.

8. Examining legally deposited press products and managing the national press legal deposit system.

9. Directing the implementation of regulations on information, report, statistics, commendation and discipline in press activities.

10. Inspecting, examining and handling violations of the press law.

Article 7. State management agencies in charge of the press

1. The Government shall perform the unified state management of the press.

2. The Ministry of Information and Communications shall take responsibility before the Government for performing the state management of the press.

3. Ministries and ministerial-level agencies shall, within the ambit of their respective tasks and powers, coordinate with the Ministry of Information and Communications in performing the state management of the press.

4. Provincial-level People's Committee shall, within the ambit of their tasks and powers, perform the state management of the press in their localities.

Article 8. Vietnam Journalists Association

1. The Vietnam Journalists Association is a socio-politico-professional organization which is established and operates in accordance with the law on associations.

2. The Vietnam Journalists Association has the following tasks and powers:

a/ To protect the lawful rights and interests of its members;

b/ To issue, and organize the implementation of, the rules on journalists' professional ethics;

c/ To contribute opinions to the formulation of strategies, master plans, plans and policies on development of the press, and of legal documents on the press;

d/ To participate in appraising journalistic products at the request of competent state agencies.

dd/ To provide retraining in professional ethics and journalistic skills for its members;

e/ To coordinate with state management agencies in propagandizing and disseminating the press law;

g/ To participate in supervising the observance of the press law; to carry out international cooperation activities in accordance with law;

h/ To organize press contests to honor authors and groups of authors of journalistic products with high quality and positive social effect.

Article 9. Prohibited acts

1. Publishing and broadcasting information against the Socialist Republic of Vietnam with the following contents:

a/ Distorting, defaming or negating the people's administration;

b/ Fabricating events and causing panic among people;

c/ Waging psychological warfare.

2. Publishing and broadcasting information with the following contents:

a/ Causing division among strata of people, between the People and the people's administration, the people's armed forces, political organizations, and socio-political organizations;

b/ Sowing hatred, discrimination, division and separatism among nationalities, infringing upon equal rights of the communities of Vietnamese nationalities;

c/ Causing division between religious people and non-religious people, between followers of different religions, division between religious believers and the people's administration, political organizations and socio-political organizations, and offending beliefs and religions;

d/ Undermining the implementation of the international solidarity policy.

3. Publishing and broadcasting information that incites war against the independence, sovereignty and territorial integrity of the Socialist Republic of Vietnam.

4. Distorting history; negating revolutionary achievements; offending the nation and national heroes.

5. Disclosing information on the list of state secrets, personal privacy, and other secrets as prescribed by law.

6. Providing information that advocates bad practices and superstition; providing information about mysteries causing bewilderment in society, adversely affecting social order and safety and community well-being.

7. Inciting violence; propagandizing depraved lifestyles; meticulously describing lewd and criminal acts; providing information unsuitable to the fine traditions and customs of Vietnam.

8. Providing information that is untruthful, distorted, slanderous or harmful to the reputation of an organization or agency, or to the honor and dignity of an individual; attributing a crime to a person in the absence of a court judgment.

9. Providing information that affects the normal physical and spiritual development of children.

10. Printing, distributing, transmitting and broadcasting journalistic products or works or contents of information in journalistic works that have been suspended from distribution, withdrawn, confiscated, banned from circulation, removed or destroyed, or contents of information that press agencies have corrected.

11. Obstructing the lawful printing, distribution, transmission and broadcasting of journalistic products and journalistic information products to the public.

12. Threatening or intimidating the life, harming the honor and dignity of journalists and reporters; destroying or seizing equipment and documents; and preventing journalists and reporters from carrying out their lawful professional activities.

13. Publishing or transmitting journalistic information products containing information prescribed in Clauses 1 thru 10 of this Article.

Chapter II

CITIZENS' RIGHTS TO FREEDOM OF THE PRESS AND FREEDOM OF SPEECH IN THE PRESS

Article 10. Citizens' rights to freedom of the press

1. To create journalistic works.

2. To provide information to the press.

3. To provide feedback to information in the press.
4. To access information in the press.
5. To associate with press agencies to create journalistic products.
6. To print and distribute printed press.

Article 11. Citizens' rights to freedom of speech in the press

1. To express opinions on domestic and world affairs.
2. To contribute opinions on the formulation and implementation of the line, guidelines and policies of the Party and laws of the State.
3. To contribute opinions, criticisms and recommendations and express complaints and denunciations through the press to Party organizations, state agencies, socio-political organizations, socio-politico-professional organizations, social organizations, socio-professional organizations, and other organizations and individuals.

Article 12. Responsibility of press agencies for citizens' rights to freedom of the press and freedom of speech in the press

1. To publish and broadcast citizens' recommendations and criticisms, news, articles, photos and other journalistic works that conform with their guiding principles and purposes and do not contain any contents prescribed in Clauses 1 thru 10, Article 9 of this Law; if refusing to publish or broadcast them, to give replies clearly stating the reasons upon request.
2. To reply or ask organizations and competent persons to reply in writing or in the press to recommendations, complaints or denunciations sent by citizens to press agencies.

Article 13. Responsibility of the State for citizens' rights to freedom of the press and freedom of speech in the press

1. The State shall create favorable conditions for citizens to exercise their rights to freedom of the press and freedom of speech in the press, and for the press to properly promote its role.
2. The press and journalists shall operate within the framework of the law and be protected by the State. No one may abuse the rights to freedom of the press and freedom of speech in the press to infringe upon the interests of the State and lawful rights and interests of organizations and citizens.
3. The press shall not be censored before being printed, transmitted and broadcast.

Chapter III

PRESS ORGANIZATIONS

Section 1

PRESS MANAGING AGENCIES

Article 14. Entities permitted to establish press agencies

1. Party agencies, state agencies, socio-political organizations, socio-politico-professional organizations, social organizations, socio-professional organizations, and religious organizations of provincial, equivalent or higher level operating lawfully in accordance with Vietnamese law may establish press agencies.

2. Tertiary education institutions prescribed in the Law on Tertiary Education; scientific research institutions, and scientific research and technological development institutions organized in the form of academy or institute prescribed in the Law on Science and Technology; and hospitals of provincial, equivalent or higher level may publish scientific journals.

Article 15. Powers and tasks of a press managing agency

1. A press managing agency is an agency or organization prescribed in Article 14 of this Law that applies for a press activity permit for, and establishes and directly manages a press agency.

2. A press managing agency has the following powers:

a/ To determine the type of press, guiding principles, purposes, target audience, language of each type and journalistic product, tasks and operational orientation of the press agency;

b/ To appoint the head of the press agency after obtaining a written agreement from the Ministry of Information and Communications;

c/ To remove from office or dismiss the head of the press agency and send a written notice of this removal from office or dismissal to the Ministry of Information and Communications;

d/ To inspect and examine activities of the press agency; to apply commendation and discipline in accordance with law.

3. A press managing agency has the following tasks:

a/ To direct the press agency to strictly observe the guiding principles, purposes, tasks, operational orientations; to arrange personnel and take responsibility for activities of the press agency;

b/ To guarantee the initial funding source and necessary conditions for activities of the press agency;

c/ To settle complaints and denunciations about the press agency and individuals under its management in accordance with law.

4. The head of a press managing agency may not concurrently act as the head of a press agency, and shall take joint responsibility before law within the ambit of his/her tasks and powers for wrongdoings and violations of its attached press agency.

Section 2

PRESS AGENCIES

Article 16. Press agency

A press agency is the voice of an agency or organization prescribed in Article 14 of this Law, implementing one or some types of press and having one or several journalistic products as prescribed by this Law.

Article 17. Conditions for grant of a press activity permit

1. Having identified the type of press and guiding principles and purposes conformable with the functions and tasks of the managing agency; target audience; program, time, amount of time, mode of transmission and broadcasting (for an audio press or a visual press); domain name, place of server and connection service provider (for an online press).

2. Having an organization and personnel plan to ensure activities of the press agency; having a qualified person as prescribed in Clause 2, Article 23 of this Law to assume the position of head of the press agency.

3. Having selected a name and its design for the press agency; a name and its design for the journalistic publication; a name and logo for the radio channel or television channel; or names and their designs for specialized pages of an online press.

4. Having a head office and physical and technical foundations, a financial plan; technical solutions to guarantee information safety and security. For an online press, having at least one registered domain name “.vn” conformable with the name of the press and using a server system located in Vietnam. For an audio press or a visual press, having a plan on lease or use of transmission and broadcasting infrastructure.

5. Conforming with the national master plan on development and management of the press approved by the Prime Minister.

Article 18. Press activity permit

1. An agency or organization prescribed in Article 14 of this Law that fully meets the conditions prescribed in Article 17 of this Law, if wishing to establish a press agency, shall send a dossier of application

for a press activity permit directly or by post to the Ministry of Information and Communications.

The dossier and procedures of application for a press activity permit shall be stipulated by the Minister of Information and Communications.

2. Within 90 days after receiving a complete and valid dossier, the Ministry of Information and Communications shall grant a press activity permit; in case of refusal, it shall issue a written reply clearly stating the reason.

3. After being granted a press activity permit, the press managing agency shall issue a decision to establish a press agency and announce it in the mass media.

4. After 3 months for a print press or an online press, or 9 months for an audio press or a visual press, from the effective date of the press activity permit, if a press agency is not established or does not turn out a journalistic product, the permit shall be invalidated. The Ministry of Information and Communications shall issue a decision to revoke the permit.

5. At least 30 days before the intended date of operation termination, a press agency shall inform its intention in writing to the Ministry of Information and Communications for revocation of the press activity permit and announcement in the mass media.

6. In case its press activity permit has been revoked in accordance with Clause 4 or 5 of this Article, if wishing to be re-granted a permit, a press managing agency shall send a written request to the Ministry of Information and Communications for re-grant of the permit. If having any change of content compared with the granted permit, a press managing agency shall send a dossier of application for a permit to the Ministry of Information and Communications as prescribed in Clause 1 of this Article.

Article 19. Change of the managing agency of a press agency

In case of change of the managing agency of a press agency, the managing agency named in the permit shall notify in writing the termination of its press activities to the Ministry of Information and Communications; the agency or organization that takes over the press agency shall carry out the procedures to apply for a press activity permit as prescribed in Article 18 of this Law.

Article 20. Change of the content of a press activity permit

1. At least 5 days after changing of the location of its head office, telephone number, fax number, email address, time of distribution, or

internet connection service provider, a press agency shall notify such change to the state management agency in charge of the press.

2. In case of change of the name of the press managing agency, name of the press agency, guiding principles and purposes; name of a journalistic publication or supplement, or of a specialized page of an online press, or a radio channel or television channel, or the broadcasting place; location of the head office of the network operation center; mode of transmission and broadcasting; amount of time of a radio channel or television channel; domain name of a specialized page or an online press, the press managing agency shall send a dossier of request to the Ministry of Information and Communications for permit modification and supplementation.

The dossier and procedures for modification and supplementation of a press activity permit shall be stipulated by the Minister of Information and Communications.

3. In case of change of the design and position of the name of a journalistic publication or a supplement, the logo of a radio channel or television channel; publishing period, number of pages or size, and change of contents not prescribed in Clauses 1 and 2 of this Article, the press managing agency shall send a written request to the Ministry of Information and Communications. Such change may be made only after there is a written approval from the Ministry of Information and Communications.

Article 21. Model of operation and revenues of a press agency

1. A press agency shall operate after the model of a revenue-generating non-business unit.

A scientific journal shall operate in conformity with the model of its managing agency.

2. Revenues of a press agency include:

a/ Revenue allocated by the press managing agency;

b/ Revenue from the sale of newspapers, the right to see or read journalistic products, advertisements, and exchange and sale of content copyright;

c/ Revenue from business activities and services of the press agency and its attached units;

d/ Revenue from lawful financial assistance of organizations and individuals at home and abroad.

Article 22. Representative offices and resident reporters of a press agency

1. Conditions for opening a representative office include:

a/ Having an office for opening a representative office;

b/ The head of the representative office must have the press card granted at the press agency establishing the representative office and must not have been disciplined in the form of reprimand or heavier form as prescribed by the law on civil servants and public employees and the labor law within 1 year by the time of opening the representative office.

2. A resident reporter working independently must have a press card granted at the press agency that appoints him/her and must not have been disciplined in the form of reprimand or heavier form as prescribed by the law on civil servants and public employees and the labor law within 1 year by the time of his/her appointment.

3. Fifteen days before commencing operation, the press agency that fully meets the conditions and wishes to open a representative office in a province or centrally run city shall send a dossier directly or by post to the provincial-level People's Committee of the locality where it plans to open a representative office for notification. Such dossier must comprise:

a/ A document addressed to the provincial-level People's Committee on the opening of a representative office containing the approval of the press managing agency;

b/ A copy of the press activity permit certified by the press agency or a copy enclosed with the original permit for comparison;

c/ Documents proving the satisfaction of the conditions prescribed at Point a, Clause 1 of this Article;

d/ A list of the representative office staff;

dd/ The resume and a copy of the press card of the head of the representative office, resume(s) of the resident reporter(s) of the representative office containing the certification of the press agency or a copy enclosed with the original for comparison;

e/ A document defining the tasks, powers and responsibilities of the representative office.

4. The provincial-level People's Committee shall check operational conditions of the representative office; in case of failure to meet the conditions, the provincial-level People's Committee shall issue a written request for the press agency to terminate the operation of its representative office and handle it in accordance with law.

5. A press agency that wishes to appoint a resident reporter to work independently in a province or centrally run city where it has no representative office shall send directly or by post a dossier informing

activities of the resident reporter to the provincial-level People's Committee of the locality where the resident reporter works. The dossier must comprise:

a/ The press agency's document of appointment of a resident reporter;

b/ A copy of the press activity permit containing the certification of the press agency or a copy enclosed with the original permit for comparison;

c/ The resume and a copy of the press card of the resident reporter containing the certification of the press agency or a copy enclosed with the original for comparison;

6. At least 5 days before any change in location or head of a representative office, resident reporter or suspension or termination of operation of a representative office or resident reporter, the press agency shall send a written notice to the provincial-level People's Committee of the locality where the representative office is located or the resident reporter works.

7. Activities of a representative office or resident reporter must conform with the guiding principles and purposes of the press agency and the tasks, powers and responsibilities assigned by the press agency, and comply with the press law and other relevant laws.

8. A representative office or resident reporter shall stop its operation or his/her activities right after its/his/her press agency has its activity permit revoked, or an independent resident reporter shall stop his/her activities when having his/her press card revoked under a decision of the Ministry of Information and Communications.

Section 3

HEADS OF PRESS AGENCIES

Article 23. Head of a press agency

1. The head of a press agency is the editor-in-chief (for a print press or an online press) or the director general or director (for an audio press or a visual press).

2. Criteria for appointment of the head of a press agency include:

a/ Being a Vietnamese citizen with a permanent residence address in Vietnam;

b/ Possessing a university or higher degree. This criterion does not apply to heads of press agencies of religious organizations;

c/ Having a valid press card. This criterion does not apply to heads of press agencies of religious organizations; and scientific journals.

d/ Possessing good ethical qualities and not currently being subject to reprimand or a heavier form of discipline as prescribed by the law on civil servants and public employees and labor law.

Article 24. Tasks and powers of the head of a press agency

1. To take responsibility before the press managing agency and before law for all activities of the press agency within the ambit of his/her tasks and powers.

2. To make, and organize the implementation of, activity plans of the press agency.

3. To approve the structure of contents of its publications; radio or television channels and broadcasts; or of its online press and specialized pages.

4. To direct the observance of the press agency's guiding principles and purposes and contents of its permit.

5. To manage personnel, organize training and retraining for journalists, reporters and employees; to manage assets and physical foundations of the press agency.

6. Not to hold the position of head or deputy head of another press agency.

Section 4

JOURNALISTS

Article 25. Rights and obligations of a journalist

1. A journalist is a person who carries out press activities and possesses a press card.

2. A journalist has the following rights:

a/ To carry out press activities in the territory of the Socialist Republic of Vietnam or abroad in accordance with law and be protected by law in their professional activities;

b/ To exploit, provide and use information in press activities in accordance with law;

c/ To come to organizations and agencies for journalistic professional activities. When coming there to work, a journalist only needs to present his/her press card. Agencies and organizations shall provide journalists with materials and documents not being classified as state secrets, personal privacy and other secrets as prescribed by law;

d/ To carry out journalistic professional activities at public court hearings; to be arranged a separate area for professional activities; to directly contact persons conducting and persons participating in the proceedings in order to obtain information and hold interviews in accordance with law;

dd/ To be provided with training and retraining to improve his/her political level and journalistic professional skills;

e/ To refuse to take part in the compilation or presentation of unlawful journalistic works.

3. A journalist has the following obligations:

a/ To provide truthful information on domestic and world affairs in conformity with the interests of the country and the People; to reflect opinions and legitimate aspirations of the People;

b/ To protect the viewpoints, line and policies of the Party and policies and laws of the State; to discover, propagandize and protect positive factors; to prevent and fight against wrongful ideas and acts;

c/ To refrain from abusing the position of a journalist to cause harassment and commit illegal acts;

d/ To correct and apologize in case of providing information that is untruthful, distorted, slanderous or harmful to the reputation of an organization or agency, or to the honor and dignity of an individual;

dd/ To take responsibility before law and before the head of the press agency for the contents of his/her journalistic products and for his/her illegal acts;

e/ To observe the rules on journalists' professional ethics.

Article 26. People eligible to be granted a press card

1. General directors, deputy general directors, directors, deputy directors, editors-in-chief and deputy editors-in-chief of press agencies and news agencies.

2. Heads and deputy heads of journalistic professional divisions (departments) of press agencies and news agencies.

3. Reporters and editors of press agencies and news agencies.

4. Cameramen, directors of radio or television programs (excluding movies) of state-owned units that are granted press activity permits in the field of radio, television and documentary production.

5. Reporters, editors and persons in charge of activities of reporters and editors at radio or television stations at district or equivalent level.

6. When a person, who was granted a press card, is transferred to another job but still makes journalistic products that are used by the press and are certified by the press agency, he/she shall be considered for grant of a press card in the following cases:

a/ He/she is transferred to work at a unit of the press agency which does not directly carry out press activities;

b/ He/she is transferred to work as a journalism lecturer at a tertiary education institution in accordance with the Law on Tertiary Education;

c/ He/she is transferred to work as a full-time officer at a journalists association at any level or to directly perform the state management of the press.

Article 27. Conditions and criteria for grant of a press card

1. A person working at a press agency prescribed in Clause 1, 2, 3 or 4, Article 26 of this Law may be granted a press card when fully meeting the following conditions and criteria:

a/ Being a Vietnamese citizen with a permanent residence address in Vietnam;

b/ Possessing a university or higher degree; or possessing a collegial or higher degree, for ethnic minority people who are carrying out the publication of a print press, production of radio or television broadcasts or specialized pages of an online press in an ethnic minority language;

c/ Having worked for at least 2 consecutive years at the press agency that applies for a press card, by the time of consideration for grant of the card, except editors-in-chief of scientific journals and other cases as prescribed by law, in case of grant of press cards for the first time;

d/ Having an application for a press card filed by his/her current press agency or employing agency.

2. A person prescribed in Clause 5, Article 26 of this Law may be granted a press card when fully meeting the conditions and criteria prescribed at Points a, b and d, Clause 1 of this Article, and the following ones:

a/ Being a permanent collaborator of a radio or television station of a province or centrally run city;

b/ Having at least 12 journalistic products which have been broadcast on a radio and television station of a province or centrally run city in the past year by the time of consideration for grant of a press card;

c/ Having worked for at least 2 consecutive years at a district- or equivalent radio and television station by the time of consideration for grant of a press card, in case of grant of press cards for the first time;

d/ Having an application for a press card filed by a radio and television station of a province or centrally run city.

3. The following persons may not be granted a press card:

a/ Those not prescribed in Article 26 of this Law;

b/ Those who have breached the rules on journalists' professional ethics;

c/ Those who have been disciplined in the form of reprimand or a heavier form in accordance with the law on civil servants and public employees and labor law within the past 12 months by the time of consideration for grant of press card;

d/ Those who are involved in a legal case pending the conclusion from a competent state agency;

dd/ Those who have been convicted under a court's legally effective judgment but not yet having their criminal record remitted;

e/ Those who have his/her press card revoked due to a violation of law within the past 12 months from the date of issuance of the revocation decision to the time of consideration for grant of press card.

Article 28. Grant, renewal and revocation of a press card

1. A press card shall be granted to a person who fully meets the conditions and criteria prescribed in Article 27 of this Law for carrying out press activities.

2. The validity duration of a press card is 5 years. The expiry date of a press card shall be specified in the card. In special cases, the extension of a press card shall be decided by the Minister of Information and Communications.

When a press card expires, the Ministry of Information and Communications shall consider renewing it with a new validity duration.

3. A person with a press card who is transferred to work at another agency or unit but remains eligible for being granted a press card as prescribed in Article 26 of this Law shall carry out the procedures for change of the press card at the new agency.

4. In case the press card is lost or damaged, the press card holder shall carry out the procedures for the re-grant of the press card.

The application for re-grant of a press card must contain the certification of the loss by the press agency or employing agency or public security agency of the commune, ward or township where the card was lost; or shall be enclosed with the old card, in case it is damaged.

5. A press card holder shall return it in the following cases:

a/ He/she is transferred to perform other tasks and no longer eligible for using the press card as prescribed in Article 26 of this Law; he/she retires; his/her labor contract expires and is not renewed or he/she stops working at the press agency;

b/ His/her press agency has its press activity permit revoked under a decision of the Ministry of Information and Communications;

c/ Within 15 days after the issuance of a decision concerning the content specified at Point a or b of this Clause, the head of the employing agency of the press card holders shall issue a written notice of the cases prescribed at Point a of this Clause and revoke the press cards and return them to the Ministry of Information and Communications.

If a person fails to return his/her press card, except when it has been lost, the press agency shall announce such failure on its journalistic product and report it in writing to the Ministry of Information and Communications;

d/ If a person who has to return his/her press card under Point a or b of this Clause is recruited by a press agency under a contract of 1 year or more within 6 months after he/she returns the press card, he/she may be considered for change of his/her press card as prescribed in Clause 3 of this Article.

6. A person shall have his/her press card revoked in the following cases:

a/ Violating the rules on journalists' professional ethics, regulations on journalistic professional activities, information in the press, or using his/her press card for an improper purpose resulting in serious consequences;

b/ Being prosecuted by a proceeding-conducting agency. In case a competent agency decides to terminate the investigation or the criminal case with regard to a journalist or from the day a court's legally effective judgment or decision concludes that a journalist is innocent or exempted from penal liability, the state management agency in charge of the press shall return the press card to this journalist;

c/ Being disciplined in the form of caution or a heavier form or having been disciplined twice in the form of reprimand within 2 consecutive years in accordance with the law on civil servants and public employees and labor law;

d/ Giving up his/her job but refusing to return his/her press card.

7. The Ministry of Information and Communications shall grant, re-grant and revoke press cards.

8. The dossiers and procedures for grant, re-grant and revocation of a press card shall be stipulated by the Minister of Information and Communications.

Chapter IV

PRESS ACTIVITIES

Section 1

ADDITION OF PRESS TYPES AND JOURNALIST PRODUCTS; ASSOCIATION IN PRESS ACTIVITIES

Article 29. Addition of press types

1. If a press agency that fully meets the conditions prescribed in Article 17 of this Law wishes to carry out another type of press, its managing agency shall send a dossier of application for a permit directly or by post to the Ministry of Information and Communications.

The dossier and procedures for the grant of a permit to carry out an additional type of press must comply with Article 18 of this Law.

2. After 3 months for print press and online press or 9 months for audio press and visual press from the effective date of the press activity permit, if the press agency fails to turn out a journalistic product, the permit shall be invalidated. The Ministry of Information and Communications shall issue a decision to revoke the permit.

3. At least 30 days before the date of suspension of a type of press, a press agency shall report it in writing to the Ministry of Information and Communications, and make an announcement in the mass media.

In case of suspension of a type of press for a period longer than the time limit prescribed in Clause 2 of this Article, the Ministry of Information and Communications shall issue a decision to revoke the permit.

4. At least 30 days before the date of termination of a type of press, a press agency shall notify it in writing to the Ministry of Information and Communications for revocation of the permit, and make an announcement in the mass media.

5. In case the permit has been revoked in accordance with Clause 2, 3 or 4 of this Article, if wishing to be re-granted the permit, the press managing agency shall send a written request to the Ministry of Information and Communications for re-grant of the permit. In case of change of contents compared with the granted permit, the press managing agency shall send a dossier of application for a permit to the Ministry of Information and Communications as prescribed in Clause 1 of this Article.

Article 30. Conditions for publication of an additional journalistic publication or a supplement; production of an additional radio channel or television channel; or creation of a specialized page of an online press

1. Having the guiding principles and purposes in conformity with the guiding principles and purposes of the press agency; target audience, place of server installation and connection service provider (for a specialized page of an online press) in conformity with the content of the press agency's activity permit.

2. Having a plan on organization and personnel to ensure activities of the journalistic publication or supplement, radio channel, television channel, or specialized page of an online press.

3. Having selected a name and its design for the journalistic publication or supplement; a name and a logo for the radio channel or television channel; a name and an interface for the homepage of the specialized page of an online press.

4. Having physical and technical foundations; a financial plan; technical solutions to ensure information safety and security; having a subdomain name matching the registered domain name for the specialized page of an online press; having a plan on leasing or use of transmission and broadcasting infrastructure, for a radio channel or television channel.

Article 31. Grant of a permit to publish an additional journalistic publication or supplement, to produce an additional radio channel or television channel, or to create a specialized page of an online press

1. If a press agency that fully meets the conditions prescribed in Article 30 of this Law wishes to publish an additional journalistic publication or a supplement, to produce an additional radio channel or television channel, or to create a specialized page of an online press, its managing agency shall send a dossier of application for a permit directly or by post to the Ministry of Information and Communications.

The dossier and procedures of application for a permit to publish an additional journalistic publication or a supplement, to produce an

additional radio channel or television channel, or to create a specialized page of an online press shall be stipulated by the Minister of Information and Communications.

2. Within 30 days after receiving a complete and valid dossier, the Ministry of Information and Communications shall grant a permit to publish an additional journalistic publication or a supplement, to produce an additional radio channel or television channel, or to create a specialized page of an online press. In case of refusal, the Ministry of Information and Communications shall issue a written notice clearly stating the reason.

3. After 2 months from the date of being granted a permit to publish an additional journalistic publication or a supplement, or to create a specialized page of an online press, or 6 months from the effective date of a permit to produce an additional radio channel or television channel, if the press agency fails to turn out a journalistic product, the permit shall be invalidated. The Ministry of Information and Communications shall issue a decision to revoke the permit.

4. At least 30 days before the suspension of publication of a journalistic publication or a supplement, of production of a radio channel or television channel, or of a specialized page of an online press, a press agency shall notify it in writing to the Ministry of Information and Communications and announce it in the mass media.

In case of suspension for over 3 months of publication of a journalistic publication or a supplement, or of a specialized page of an online press, or for over 6 months of the production of a radio channel or television channel, the Ministry of Information and Communications shall issue a decision to revoke the permit.

5. At least 30 days before the termination of publication of a journalistic publication or a supplement, of production of a radio channel or television channel, or of a specialized page of an online press, a press agency shall notify it in writing to the Ministry of Information and Communications for revocation of the permit, and announce it in the mass media.

6. In case the permit has been revoked in accordance with Clause 3, 4 or 5 of this Article, if wishing to be re-granted the permit, the press managing agency shall request in writing the Ministry of Information and Communications to re-grant the permit. In case of change of contents compared with the granted permit, the press managing agency shall send a dossier of application for a permit to the Ministry of Information and Communications as prescribed in Clause 1 of this Article.

Article 32. Publication of a news bulletin

The state news agency wishing to publish a news bulletin shall send a written notice to the Ministry of Information and Communications.

Article 33. Editing of foreign program channels on pay radio and television services

1. Permission to edit foreign program channels on pay radio and television services shall be granted for every program channel in conformity with the national master plan on development and management of the press.

2. Conditions for grant of a permit include:

a/ Being a press agency having a radio or television activity permit;

b/ Filing a written request for grant of an editing permit, made by the press agency. For a press agency under a ministry, a sector, a province or a centrally run city, a written approval from the press managing agency is also required;

c/ Having a staff possessing journalistic professional qualifications as required, valid press cards and foreign language qualifications suitable to the foreign program channel to be edited;

d/ Having technical capabilities meeting editing requirements, including a delaying equipment system, storage equipment and technical facilities to receive and transmit signals suitable to the editing of the program channel, guaranteeing the editing and translation done in Vietnam;

dd/ Having an estimate of the cost of editing and translation for 1 year and documents proving lawful financial sources to ensure the estimated editing and translation cost.

e/ Having the copyright or a written permission to use the foreign program channel in Vietnam as prescribed by law.

3. The order and procedures for grant of a permit to edit a foreign program channel on pay radio and television services are prescribed below:

a/ A press agency that wishes to edit a foreign program channel on pay radio and television services shall send a dossier of application for a permit directly or by post to the Ministry of Information and Communications.

The dossier and procedures of application for a permit shall be prescribed by the Government;

b/ Within 30 days after receiving a valid and complete dossier, the Ministry of Information and Communications shall grant a permit for editing a foreign program channel on pay radio and television services. In case of refusal, the Ministry of Information and Communications shall issue a written notice clearly stating the reason.

4. The validity duration of a permit for editing a foreign program channel on pay radio and television services shall be specified in the permit.

5. After 3 months from the effective date of the permit, if the press agency fails to carry out the editing of the foreign program channel, the permit shall be invalidated. The Ministry of Information and Communications shall issue a decision to revoke the permit.

6. At least 30 days before the suspension of the editing of a foreign program channel on pay radio and television services, a press agency shall notify it in writing to the Ministry of Information and Communications; for cases of suspension for over 3 months, the Ministry of Information and Communications shall issue a decision to revoke the permit.

7. At least 30 days before the date of termination of the editing of a foreign program channel on pay radio and television services, a press agency shall notify it in writing to the Ministry of Information and Communications for revocation of the permit.

8. In case of having its permit revoked in accordance with Clause 5, 6 or 7 of this Article, if wishing to resume editing work, a press agency shall send a written request to the Ministry of Information and Communications for re-grant of the permit. In case of change of contents compared with the granted permit, a press agency shall send a dossier of application for a permit to the Ministry of Information and Communications as prescribed in Clause 3 of this Article.

Article 34. Publication of a newsletter

1. A newsletter must comply with the following provisions:

a/ Its maximum size is 19 cm x 27 cm. The maximum number of pages is 64. No advertisement is allowed in the newsletter;

b/ The top of page one of the newsletter must display the word “BAN TIN” (NEWSLETTER), preceded or followed by the name of the newsletter, the name of the publishing agency or organization and date of publication under the name of the newsletter;

c/ The bottom of the last page of the newsletter must display the serial number and date of the publication permit, place of printing, circulation, publication period and person in charge of publication.

2. Conditions for grant of a newsletter publication permit include:

a/ Having a person in charge of publication of the newsletter;

b/ Having a suitable operational apparatus ensuring the publication of the newsletter;

c/ Having a name for the newsletter, its publication purpose, content of information, target audience, scope of distribution, language used, publication period, size, number of pages, circulation and printing place;

d/ Having an official working location and necessary conditions to ensure the publication of the newsletter.

3. The order and procedures of application for a newsletter publication permit are prescribed below:

a/ A central agency or organization; a foreign representative mission or a foreign organization in Vietnam that wishes to publish a newsletter shall send a dossier of application for a permit directly or by post to the Ministry of Information and Communication.

An agency or organization in a province or centrally run city that wishes to publish a newsletter shall send a dossier of application for a permit directly or by post to the provincial-level People's Committee.

The dossier and procedures of application for a newsletter publication permit shall be stipulated by the Ministry of Information and Communication;

b/ Within 30 days after receiving a complete and valid dossier, the Ministry of Information and Communication or the provincial-level People's Committee shall grant a newsletter publication permit or, in case of refusal, issue a written notice clearly stating the reason.

4. The validity duration of a newsletter publication permit shall be specified in the permit but must not exceed 1 year from the date of grant.

If the agency or organization fails to publish the newsletter by the publication deadline specified in the permit, the permit shall be invalidated and the Ministry of Information and Communications or the provincial-level People's Committee shall issue a decision to revoke the permit. If still wishing to publish a newsletter, the organization or agency shall carry out the application procedures again.

5. At least 15 days before the suspension or termination of the publication of a newsletter, an agency or organization with a newsletter publication permit shall notify it in writing to the Ministry of Information and Communications or the provincial-level People's Committee. For cases of termination of the publication of a newsletter, the Ministry of Information and Communications or the provincial-level People's Committee shall issue a decision to revoke the permit.

6. An organization or agency that wishes to change one of the contents of its newsletter publication permit shall send a written request to the Ministry of Information and Communications or the provincial-level People's Committee.

Article 35. Publication of a special issue

1. Conditions for grant of a special issue publication permit include:

a/ Having a person with journalistic skills in charge of publication of the special issue;

b/ Organizing a suitable operational apparatus to ensure the publication of the special issue;

c/ Having a name for the special issue, its publication purpose, content of information, target audience, scope of distribution, language, size, number of pages, circulation, printing place and time of publication;

d/ The applying agency or organization has an official working location.

2. The order and procedures for grant of a special issue publication permit are prescribed below:

a/ An agency or organization that wishes to publish a special issue shall send a dossier of application for a permit directly or by post to the Ministry of Information and Communications;

The dossier and procedures of application for a special issue publication permit shall be stipulated by the Ministry of Information and Communications.

b/ Within 30 days after receiving a complete and valid dossier, the Ministry of Information and Communications shall grant a special issue publication permit. In case of refusal, the Ministry of Information and Communications shall issue a written notice clearly stating the reason.

3. The validity duration of a special issue publication permit shall be specified in the permit but must not exceed 1 year from the date of grant.

If the agency or organization fails to publish the special issue by the publication deadline specified in the permit, the permit shall be invalidated and revoked. If still wishing to publish a special issue, the agency or organization shall carry out the application procedures again.

4. At least 15 days before the date of suspension or termination of the publication of a special issue, an agency or organization shall notify it in writing to the Ministry of Information and Communications. For cases of termination of the publication of a special issue, the Ministry of Information and Communications shall issue a decision to revoke the permit.

5. An agency or organization that wishes to change one of the contents of its special issue publication permit shall send a written request to the Ministry of Information and Communications.

Article 36. News aggregation website

1. A news aggregation website must quote verbatim and accurately journalistic news sources and show the name of the author, name of the press agency, time of publishing or transmission of such information.

2. The contents of information posted on a news aggregation website must not violate the provisions of Clause 13, Article 9 of this Law and other relevant laws.

3. An agency or organization establishing a news aggregation website shall develop an information management process; examine, monitor and remove information contents prescribed in Clause 13, Article 9 of this Law on its own initiative or upon the request of a competent state management agency.

4. An agency or organization with a news aggregation website shall remove an information content already aggregated as soon as the quoted source of information removes that content.

5. The establishment of news aggregation websites by agencies, organizations and enterprises must comply with the regulations of the Government.

Article 37. Association in press activities

1. A press agency may associate in press activities with another press agency, a legal person or an individual with business registration relevant to the associated field in accordance with law.

The head of a press agency shall take responsibility for all associated press activities as prescribed by law.

2. A press agency may carry out associated activities in the following fields:

a/ Design, layout, printing, advertising, circulation of the press and the information contents prescribed at Points b, c, d and dd of this Clause;

b/ Exploitation or purchase of copyrights of manchettes and contents of foreign journalistic publications in the fields of science, technology, sports, entertainment, advertising and economic information for publication in Vietnam;

c/ Foreign organizations or individuals may associate in exploiting or purchasing full copyrights of manchettes and contents of lawful journalistic publications of Vietnam for publication in foreign countries;

d/ Production of broadcasts, radio channels and television channels in the fields of science, technology, economy, culture, sports, entertainment, advertising and social welfare;

dd/ Production of print press and online press products in the fields of science, technology, economy, culture, sports, entertainment, advertising and social welfare.

3. The associated broadcasts on radio channels and television channels serving essential political, information and propaganda tasks prescribed by the Ministry of Information and Communications and on general current-political news channels must not account for more than 30 percent of the total amount of time of the first broadcast programs of such channels.

4. The association of radio broadcasts and entertainment television broadcasts, television game shows, reality shows with foreign copyrights and scripts shall be Vietnamized to conform with the fine traditions and practices of Vietnam.

5. In case an audio press agency or a visual press agency carries out associated activities to produce whole radio channels or television channels, the number of associated channels must not exceed 30 percent of the total number of radio channels or television channels it is license to produce.

6. The contents of associated programs must be conformable with the laws of Vietnam.

Section 2

INFORMATION IN THE PRESS

Article 38. Provision of information to the press

1. Within the ambit of their respective tasks and powers, agencies, organizations and responsible persons have the right and obligation to provide information to the press and shall take responsibility before law

for the contents of information provided. The provision of information to the press may be in writing, via a news aggregation website, a press conference, an interview and in other forms. Press agencies shall correctly and accurately use the contents of information provided and clearly indicate the information source.

2. Agencies, organizations and competent persons may refuse to provide information to the press in the following cases:

a/ The information on the list of state secrets, secrets belonging to the principles and regulations of the Party, personal privacy and other secrets as prescribed by law;

b/ The information about cases or matters which are under investigation or are pending trial, except when state administrative agencies or investigating bodies need to provide the press with information on issues useful for investigations and the crime prevention and fight;

c/ The information about cases or matters which are under inspection and pending inspection conclusions or cases or matters about which complaints or denunciations are being settled; about disputes and conflicts between state agencies which are being settled and pending official conclusions of competent persons and are not permitted to be disclosed in accordance with law;

d/ Documents of policies and schemes which are being drafted and are not permitted by competent agencies to be announced in accordance with law.

3. For cases which are under investigation and prosecution and pending trial, cases of negative practices or cases showing signs of law violation pending conclusions of competent state agencies, the press has the right to report on these cases based on their own documentary sources and shall take responsibility before law for the contents of the reported information.

4. Press agencies and journalists have the right and obligation not to disclose information about information providers, except in cases where there is a written request from the chief procurator of a people's procuracy or chief justice of a people's court of the provincial, equivalent or higher level and the disclosure is necessary for the investigation, prosecution and trial of very serious or particularly serious crimes.

The chief procurator of a people's procuracy or the chief justice of a people's court of the provincial, equivalent or higher level shall organize protection of information providers; law enforcement agencies shall

coordinate with the chief procurator of a people's procuracy or the chief justice of a people's court of the provincial, equivalent or higher level in protecting information providers.

5. State administrative agencies shall appoint a spokesman to speak and provide information to the press on a regular or irregular basis.

The Government shall detail the speaking and provision of information to the press by state administrative agencies.

Article 39. Response in the press

1. The head of a press agency has the right to request an agency, an organization or a competent person to respond to issues which are raised by citizens in the press. Within 30 days after receiving a request from the head of a press agency, the relevant agency, organization or person shall give its/his/her responses.

2. Within 30 days after receiving the opinions, petitions, criticisms or complaints from organizations and citizens or denunciations from citizens transferred by a press agency, the head of an agency or organization shall inform the press agency of settlement measures.

Past the above time limit, if it does not receive any information from the organization or agency, the press agency is entitled to forward the opinions, petitions, criticisms, complaints or denunciations of organizations or citizens to a higher-level agency with settling competence, or publish such matters in the press.

3. Within 10 days for a print daily, an audio press, a visual press or an online press, or 15 days for a print weekly, or in the next issue for a print magazine, after receiving a written response from an agency or organization having the competence to settle complaints or denunciations, or after receiving a written response to the petition or criticism from an agency, organization or individual concerning a matter the press has raised or received, the press agency shall inform it to the organization, agency or citizen that has given the opinion, petition, criticism, complaint or denunciation, or shall publish or broadcast it in its press.

4. An agency or an organizations or a citizen has the right to request a press agency to respond to a matter that it has reported; the press agency shall respond within 15 days after receiving such request.

Article 40. Press interview

1. The interviewer shall inform the interviewee in advance of the purpose and requirements and questions of an interview. When it is

necessary to conduct an in-person interview without prior notice, the consent of the interviewee shall be obtained.

2. After an interview, based on the information and documents provided by the interviewee, the interviewer has the right to express them in an appropriate form. The interviewer shall express the interviewee's answers in a correct and truthful manner.

The interviewee has the right to request review of his/her answers before they are published or broadcast. The press agency and interviewer shall satisfy this request.

3. A journalist may not convert the opinions presented at a conference, seminar, meeting or talk with the presence of the journalist into an interview without the consent of the speaker.

4. The press agency, interviewer and interviewee shall take responsibility for the content of information published or broadcast in the press.

Article 41. Press conference

1. A Vietnamese agency, organization or citizen may hold a press conference to announce, declare, explain or answer contents related to its/his/her tasks, powers or interests.

Press conferences of foreign representative missions and foreign organizations in Vietnam must comply with Clause 10, Article 56 of this Law.

2. The spokespersons or persons in charge of providing information of political organizations, the National Assembly, the Government or the President; central and provincial agencies of political organizations or socio-political organizations; ministries, ministerial-level agencies, and provincial-level People's Councils and People's Committees shall, based on their functions and tasks, hold regular or irregular press conferences to provide information to the press agencies.

3. Agencies and organizations other than those prescribed in Clause 2 of this Article and citizens may hold press conferences to provide information to the press. Agencies, organizations or citizens that intend to hold a press conference shall send a written notice 24 hours before the expected time of the press conference to the state management agency in charge of the press according to the following provisions:

a/ Agencies or organizations directly attached to the central government shall send a notice to the Ministry of Information and Communications;

b/ Agencies and organizations other than those prescribed at Point a of this Clause and citizens shall send a notice to the provincial-level People's Committee of the locality where a press conference is to be held.

4. A notice must include the following details:

a/ Venue of the press conference;

b/ Time of the press conference;

c/ Content of the press conference;

d/ Person who will chair the press conference;

5. The state management agency in charge of the press shall issue a reply to the organization, agency or citizen concerning the press conference within the time limit prescribed in Clause 3 of this Article; if receiving no written reply, the organization or citizen may hold the press conference.

The content of a press conference must be consistent with the content approved by the state management agency in charge of the press; in case of no written reply, the content must be consistent with the content notified to the state management agency in charge of the press.

6. The state management agency in charge of the press has the right to stop a press conference if it detects any sign of law violation or the content of the press conference having any information prescribed in Clauses 1 thru 9, Article 9 of this Law.

Article 42. Corrections in the press

1. A press agency that provides information which is untruthful, distorted, slanderous or harmful to the reputation of an agency or organization, or to the honor or dignity of an individual shall publish or broadcast a correction and an apology in its press and notify it to the agency, organization or individual concerned.

For an online press, in addition to publishing or broadcast a correction and an apology, the untruthful information already published or broadcast shall be immediately removed but the content of such information shall be retained in the server to serve inspection and examination activities as prescribed at Point d, Clause 1, Article 52 of this Law.

2. When there is a written conclusion from a competent state agency that the information reported by the press about a case or matter is untruthful, distorted, slanderous or harmful to the reputation of an agency or organization, or to the honor or dignity of an individual, that press agency shall publish or broadcast the content of that conclusion

and the correction and apology of that press agency and the author of the journalistic work concerned.

The apology of the press agency and the author of the journalistic work concerned shall be published or broadcast immediately following the correction.

3. The publishing or broadcasting of corrections and apologies of press agencies or authors of journalistic works must comply with the following provisions:

a/ Publishing or broadcasting in the second page, for a print newspaper, or in the last page, for a print magazine, in a separate section in the homepage, for an online press, with the same font and font size used to publish or broadcast the information;

b/ Publishing or broadcasting in the same section, at the same time of broadcasting and with the same number of broadcasting times, for an audio press or a visual press, in which the information was published or broadcast.

4. When publishing or broadcasting a correction and an apology, a press agency shall present all following contents:

a/ Heading:“Correction and apology”;

b/ Name of the journalistic work to be corrected, name of its section, issue number, date of its publishing or broadcasting;

c/ The information which is untruthful, distorted, slanderous or harmful to the reputation of an agency or organization, or to the honor or dignity of an individual and has been published or broadcast in the journalistic work and the corrected content of information.

5. The time of publishing or broadcasting corrections and apologies is prescribed as follows:

a/ The publishing or broadcasting of corrections and apologies of an online press shall be done immediately upon receiving the written conclusion on or self-detecting the violation; the correction and apology shall be maintained in the press for at least 7 days from the date of publishing the correction and apology;

b/ The publishing or broadcasting of corrections and apologies of a print press, an audio press or a visual press shall be done within 2 days, for a daily newspaper, an audio press or a visual press; in the next issue, for a weekly newspaper or a magazine, from the date the press agency receives the written conclusion on or self-detects the violation; for a magazine published once over 30 days, it shall issue a written reply to

the organization, agency or individual concerned and publish the correction and apology in the next issue;

c/ A press agency or news aggregation website that has published or broadcast the information of another press agency with a content subject to correction and apology shall also publish or broadcast the correction and apology of the violating press agency.

The press agency which has published or broadcast the violating information, after making a correction and an apology, shall send a notice thereof to other press agencies and the news aggregation websites that have agreed on the use of the former's news and articles for the latter to publish the correction and apology.

Article 43. Information feedback

1. An agency, organization or individual that has grounds to believe that a press agency provided information which is untruthful, distorted, slanderous or harmful to its reputation or to his/her honor or dignity, may send a written feedback to that press agency, the press managing agency and the state management agency in charge of the press, or initiate a lawsuit at court.

2. A press agency shall publish or broadcast feedback opinions from agencies, organizations or individuals. The time of publishing or broadcasting must comply with the provisions in Clause 5, Article 42 of this Law on publishing and broadcasting of corrections.

In case of disagreeing with a feedback from an agency, organization or individual, a press agency shall still publish or broadcast such feedback and may provide more information to clarify its viewpoint.

After three times of publishing or broadcasting the feedbacks of an agency, organization or individual and the press agency, if the two parties cannot reach agreement, the press agency may stop the publishing or broadcasting; and a competent state management agency may request the press agency to stop publishing or broadcasting information of the concerned parties.

3. A press agency may refuse to publish or broadcast a feedback from an agency, organization or individual if such feedback violates the law or hurts the reputation of the press agency, or the honor and dignity of the author of the journalistic work concerned, and shall immediately send a written notice clearly stating the reason to such agency, organization or individual.

4. When publishing or broadcasting a feedback, a press agency shall provide all the following details:

a/ Name of the agency, organization or individual that sends the feedback;

b/ Name of the journalistic work subject to the feedback, name of its section, issue number, and date of its publishing or broadcasting.

Article 44. Advertising in the press

The press may publish and broadcast advertisements. The publishing and broadcasting of advertisements must comply with this Law and the law on advertising.

Article 45. Copyright in the press

Press agencies shall comply with the law on copyright and related rights upon publishing or broadcasting journalistic works.

Article 46. Information to be shown in the press

A press agency shall show all of the following information:

1. On page or cover one of a print press, and on the home page and all pages of an online press, the following details shall be shown:

a/ Name of the journalistic product;

b/ Name of the press agency, name of the press managing agency (shown below the name of the press); and the domain name, for an online press;

c/ Issue number, for a print press;

d/ Date of distribution.

2. At the bottom of the last page or last cover, for a print press, or of the home page, for an online press, the following details shall be shown:

a/ Serial number, date of grant and granting agency of the press activity permit;

b/ Address of the press agency, telephone number, fax number, email address and full name of the head of the press agency;

c/ Place of printing, size, number of pages, publishing period and selling price, for a print press.

3. The audio press and visual press must express their logo and theme song.

Article 47. Protection of contents of radio and television broadcasts and contents of online press

The audio press, visual press and online press may use technical measures to protect the contents of radio and television broadcasts and the contents of online press.

Section 3

PRINTING, DISTRIBUTION, TRANSMISSION AND BROADCASTING

Article 48. Press printing

A printing establishment that has a permit to print newspapers and magazines as prescribed by the publishing law is responsible for performing contracts signed with press agencies, ensuring the time of press distribution.

Article 49. Press distribution

1. A press agency shall distribute the press in accordance with its press activity permit.

A press agency may organize the distribution or entrust the distribution to other organizations and individuals.

2. The information and communications sector shall distribute public-utility press via the public postal network in accordance with the regulations of the Government, and distribute other types of press under contracts signed with press agencies.

3. Press managing agencies, press agencies, press distribution organizations and individuals and organizations permitted to import and export the press shall comply with competent state agencies' decisions on withdrawal of journalistic publications. Provincial-level Departments of Information and Communications and public security agencies shall inspect the compliance.

A press agency or a press distribution organization that has a publication withdrawn shall bear all costs of the withdrawal.

4. The Ministry of Information and Communications shall prescribe the maximum charge of the service of distribution of public-utility press via the public postal network.

Article 50. Registration for provision of foreign program channels on pay radio and television services

1. A foreign television company that provides into Vietnam a foreign program channel subject to content copyright royalty shall register the provision of the program channel and fulfill its financial obligations toward the Vietnamese State through its authorized agents in Vietnam.

2. When simultaneously authorizing two or more agents, a foreign television company shall clearly define the scope of authorization to each agent.

3. For a foreign program channel free of content copyright royalty, a foreign television company shall only carry out the translation and editing procedures as prescribed and shall not be required to have an authorized agent in Vietnam.

4. An authorized agent is a Vietnamese enterprise that is authorized by a foreign television company to act as an agent to provide a foreign program channel on pay radio and television services in Vietnam.

5. An authorized agent shall register the provision of a foreign program channel on pay radio and television services in Vietnam with the Ministry of Information and Communications.

The dossier and procedures of application for a registration certificate shall be prescribed by the Government.

Article 51. Provision of transmission and broadcasting services

1. A provider of transmission and broadcasting services shall guarantee the transmission and broadcasting of integral information contents of press agencies.

2. A provider of transmission and broadcasting services for public radio and television broadcasts shall guarantee the timing, amount of time, scope of broadcasting, quality of transmission and broadcasting of radio channels and television channels serving essential political, information and propaganda tasks of the nation and localities, and shall ensure the following principles:

a/ Universalizing public radio and television services nationwide, giving priority to areas inhabited by ethnic minority people, areas with extremely difficult socio-economic conditions, remote, deep-lying, mountainous and border areas and islands;

b/ Conforming with the State's master plans on the press, transmission, radio and television broadcasting, and development of radio and television services;

c/ Complying with the provisions of the laws on telecommunications and radio frequency on management of internet resources and radio frequency;

d/ The service contents must comply with the provisions of the press law on management of information contents;

dd/ Conforming with the State's technical regulations on the quality of equipment and radio and television services.

3. Conditions for being granted a permit for provision of pay radio and television services include:

a/ Being a Vietnamese enterprise. For a foreign-invested enterprise, approval of the Prime Minister is required;

b/ Having a service provision plan in conformity with the radio and television service development master plan, transmission and radio and television broadcasting master plan and other master plans in the field of radio and television broadcasting and electronic information;

c/ Possessing a license to set up telecommunications networks or an agreement on leasing or use of telecommunications networks satisfying the technical requirements on service transmission to subscribers connected to that telecommunications network, for terrestrial television, cable television, satellite television and mobile television services; having a confirmation of the registration of the domain name “.vn” or an identified internet address in order to provide the services to subscribers, for internet-based radio and television services;

d/ Having plans on human resource arrangement, investment in technical equipment, and forecast and analysis of the service market; a business plan and service charge tariff, an estimate of investment costs and operation costs for at least the first 2 years; documents proving the charter capital or documents of equivalent validity proving satisfaction the requirements on services provision according to the cost estimate;

dd/ Having a plan on establishment of a reception and transmission center for all domestic radio and television channels and foreign program channels concentrated in one place, except for channels on the list of radio channels and television channels serving essential political, information and propaganda tasks of the nation and localities, including a technical design of the system of signal processing equipment, equipment connected to the transmission network, and equipment for service and subscriber management and content protection.

e/ Having a plan on application of modern technologies and techniques in accordance with the State’s regulations on the standards and technical regulations to guarantee the service quality and information safety and security, and promptly deal with technical incidents to ensure the continuity of services and interests of subscribers;

g/ Having a tentative list of domestic radio channels and television channels (except the channels serving essential political, information and propaganda tasks), foreign program channels, on-demand contents, and value-added contents to be provided on pay radio and television services, enclosed with written approvals of content providers.

4. An enterprise that wishes to provide pay radio and television services shall send a dossier of application for a permit to the Ministry of Information and Communications.

The dossier and procedures of application for a permit shall be prescribed by the Government.

5. The validity duration of a permit to provide pay radio and television services shall be specified in each permit.

6. A provider of paid transmission and radio and television broadcasting services may apply technical measures to protect the contents of radio and television programs in order to collect charges; and shall pay charges for the right to provide services in accordance with law.

Section 4

LEGAL DEPOSIT OF PRESS COPIES

Article 52. The regime of legal deposit of press copies and submission of journalistic publications

1. Press agencies shall comply with the following regime of legal deposit:

a/ For central press and press printed in Hanoi, a press agency shall submit five copies to the central state management agency in charge of the press no later than 08:00 am of the distribution day;

b/ For press printed in localities, a press agency shall submit two copies to the local state management agency in charge of the press no later than 08:00 am of the distribution day while submitting five copies by post to the central state management agency in charge of the press;

c/ Audio press and visual press agencies shall retain all programs transmitted and broadcast or information about the signal sources used to relay central radio or television programs within 30 days from the date of transmission and broadcasting; and shall provide transmission and broadcasting signals at the request of competent agencies for electronic legal deposit;

d/ Online press agencies shall implement the regime of storage of integral contents of information posted and broadcast for 3 months from the date of posting and broadcasting, for inspection by state management agencies.

2. When submitting print press copies for legal deposit, a press agency shall indicate the print press, circulation, date and hour of legal deposit and the signature of the head of the press agency or the authorized person.

A print press that is re-printed shall be legally deposited like the one that is initially printed.

Print press copies that are sent by post for legal deposit have the priority of fastest delivery to the legal depository. The time of submission for legal deposit shall be based on the postage mark of the place of delivery.

3. A print press agency shall submit five print press copies to the National Library of Vietnam for preservation.

4. The Ministry of Information and Communications shall implement the electronic legal deposit for audio press, visual press as well as online press that is independent from press agencies according to the regulations of the Government; and implement the measurement and announcement of data relating to press activities.

Article 53. Inspection of legally deposited press copies

1. The Ministry of Information and Communications shall organize inspection of legally deposited press copies. Provincial-level People's Committees shall inspect legally deposited press copies in their localities.

When detecting a press agency that violates the law, the Ministry of Information and Communications or provincial-level People's Committee shall take handling measures prescribed in Article 59 of this Law.

2. The Ministry of Finance shall prescribe the regime of remuneration for persons who read, listen to or watch to inspect legally deposited press copies.

Section 5

INTERNATIONAL COOPERATION IN PRESS ACTIVITIES

Article 54. Import and export of print press

1. Print press legally published in Vietnam may be exported abroad.

2. The import of print press shall be conducted through press importers and exporters licensed by the Ministry of Information and Communications.

3. Print press importers shall register the list of imported press with the Ministry of Information and Communications before importing them.

4. Heads of print press importers shall organize inspection of the contents of imported press before distribution and take responsibility before law for the contents of print press they import.

Article 55. Cooperation activities of Vietnamese press agencies with foreign countries

1. A Vietnamese press agency has the following rights:

a/ To distribute, transmit and broadcast journalistic products abroad; to authorize organizations and individuals to re-print, transmit and broadcast Vietnamese journalistic products abroad;

b/ To hire foreign experts and collaborators;

c/ To send journalists abroad for press activities;

d/ To establish representative offices abroad;

dd/ To cooperate with foreign countries.

2. When exercising the rights prescribed in Clause 1 of this Article, a press agency shall comply with the following provisions:

a/ Journalistic products distributed, transmitted or broadcast abroad under Point a, Clause 1 of this Article must have the same contents as those domestically distributed, transmitted or broadcast and contain no information prescribed in Clauses 1 thru 10, Article 9 of this Law;

b/ A press agency that establishes a representative office abroad under Point d, Clause 1 of this Article shall send to the Ministry of Information and Communications a written notice of the establishment of a representative office and a list of representative office staff at least 15 days before establishing such representative office;

c/ A press agency that cooperates with a foreign country shall comply with the regulations concerning cooperation activities.

Article 56. Press activities of foreign press, foreign representative missions and foreign organizations in Vietnam

1. All press and press-related activities of foreign news, radio, television, print and online press agencies (below collectively referred to as foreign press), diplomatic missions, consular offices, representative agencies of inter-governmental international organizations and other foreign agencies that are authorized to perform the consular function in Vietnam (below collectively referred to as foreign representative missions) and representative agencies of non-governmental organizations and other foreign organizations in Vietnam (below collectively referred to as foreign organizations) may be carried out only after obtaining the approval of competent agencies prescribed in this Law, and must comply with the laws of Vietnam.

2. A foreign non-resident reporter who wishes to carry out press activities in Vietnam shall send a dossier of application for approval

directly or by post, fax or email to the Ministry of Foreign Affairs, an overseas Vietnamese diplomatic mission, consular office or another agency authorized to perform the consular function (below collectively referred to as overseas Vietnamese representative mission).

When carrying out press activities in Vietnam, a foreign non-resident reporter shall carry his/her press activity permit granted by the Ministry of Foreign Affairs and his/her passport, and carry out these activities according to the purpose and program stated in the permit and under instructions of the reporter guiding agency.

3. For a foreign reporter accompanying a foreign delegation, the following provisions shall apply:

a/ For a foreign reporter who accompanies a foreign delegation to visit Vietnam at the invitation of Party or State leaders or the Ministry of Foreign Affairs to report on the visit, the Vietnamese managing agency shall carry out necessary immigration procedures and inform such to the Ministry of Foreign Affairs for coordination. The foreign reporter may report on activities according to the official program of the foreign delegation;

b/ For a foreign reporter who accompanies a foreign delegation to visit Vietnam at the invitation of another Vietnamese agency to report on the visit, the Vietnamese managing agency shall carry out the procedures with the Ministry of Foreign Affairs as for non-resident reporters and such reporter shall carry out activities under the instructions of the Ministry of Foreign Affairs or an agency approved by the Ministry of Foreign Affairs.

4. A foreign press agency that wishes to establish a resident office in Vietnam shall send a dossier directly or by post to the Ministry of Foreign Affairs or the overseas Vietnamese representative mission.

A resident office may be located in Hanoi or in a province or another centrally run city after obtaining the written approval of the Ministry of Foreign Affairs and the provincial-level People's Committee of the locality where the office is expected to be located.

A resident office may appoint a resident reporter in a locality different from the place of the resident office after obtaining the approval of the Ministry of Foreign Affairs and the provincial-level People's Committee of the locality where the resident office requests to appoint the resident reporter. The resident office shall take responsibility for activities of its resident reporter in the locality.

5. A foreign press agency that wishes to appoint a resident reporter shall send a dossier directly or by post to the Ministry of Foreign Affairs or the overseas Vietnamese representative mission.

A resident reporter may concurrently work as a resident reporter for a resident office of another foreign press agency in Vietnam. A foreign press agency may appoint its resident reporter based in another country to concurrently work as a resident reporter in Vietnam.

6. A resident reporter shall be granted a foreign press card by the Ministry of Foreign Affairs which is valid for no more than 12 months and conforms with the reporter's visa period.

A resident reporter shall send a dossier directly or by post to the Ministry of Foreign Affairs to request the grant, re-grant or renewal of his/her foreign press card.

7. Information and press activities of a resident reporter must comply with the following provisions:

a/ When wishing to interview a senior leader of Vietnam, a resident office shall send a dossier directly or by post or fax to the Ministry of Foreign Affairs for approval;

b/ When wishing to contact or interview a leader of a ministry or sector of Vietnam, a resident office shall send a dossier directly or by post or fax to the relevant ministry or sector for approval and concurrently send a notice thereof to the Ministry of Foreign Affairs;

c/ When wishing to carry out information and press activities in a locality in Vietnam, a resident office shall send a dossier directly or by post or fax to the provincial-level People's Committee for approval and concurrently send a notice thereof to the Ministry of Foreign Affairs;

8. A resident office may hire press assistants or collaborators to assist its or its resident reporter's activities.

When wishing to hire a press assistant or collaborator, a resident office shall send a dossier directly or by post to the Ministry of Foreign Affairs for approval.

9. The import and export of equipment and devices by a foreign press agency must comply with the following provisions:

a/ A foreign press agency may temporarily import for re-export free of duty for a specified term necessary equipment to serve its information and press activities in Vietnam, such as cameras, camcorders, recorders and other devices, in accordance with Vietnamese laws;

b/ A foreign press agency may import, export, install and use equipment to receive, transmit news and images live via satellite; and

transmit images internationally via the national telecommunications network in accordance with Vietnamese laws.

10. The holding of a press conference must comply with the following provisions:

a/ When wishing to hold a press conference in Hanoi, a foreign representative mission or foreign organization shall send a written request to the Ministry of Information and Communications at least 2 working days before the expected date of the press conference. For a foreign representative mission, the written request shall be simultaneously sent to the Ministry of Foreign Affairs for information;

b/ When wishing to hold a press conference in another locality in Vietnam, a foreign representative mission or foreign organization shall send a written request to the provincial-level People's Committee at least 2 working days before the expected date of the press conference;

c/ A press conference of a foreign delegation visiting Vietnam at the invitation of a Party or State leader or the Ministry of Foreign Affairs shall be held according to the official program of the delegation. The host agency shall inform the Ministry of Foreign Affairs at least 1 working day before the expected date of the press conference for coordination;

d/ For a press conference of a foreign delegation visiting Vietnam at the invitation of a ministry, sector, locality or another state agency of Vietnam, the host agency shall send a written request to the Ministry of Information and Communications or the provincial-level People's Committee at least 2 working days before the expected date of the press conference;

dd/ The procedures for permitting a press conference must comply with the regulations of the Ministry of Information and Communications;

e/ The Ministry of Information and Communications and a provincial-level People's Committee may disapprove or stop a press conference if it finds any sign of violation of Vietnamese law;

g/ In case of an urgent press conference, after receiving a request from a foreign representative mission or foreign organization, competent Vietnamese agencies shall consider it on a case-by-case basis.

11. The publishing of a newsletter or a special issue by a foreign representative mission or foreign organization must comply with Articles 34 and 35 of this Law.

12. The dossiers, order and procedures referred to in Clauses 2, 4, 5, 6, 7 and 8 shall be prescribed by the Government.

Chapter V

COMMENDATION, INSPECTION AND HANDLING OF VIOLATIONS IN PRESS ACTIVITIES

Article 57. Commendation in press activities

Press agencies, journalists, organizations and citizens that make achievements in and contributions to press activities shall be commended and rewarded in accordance with the law on emulation and commendation.

Article 58. Specialized press inspection

The specialized press inspection must comply with the law on inspection.

Article 59. Handling of violations in the field of press

1. In case a press agency or an organization involved in press activities violates the provisions of this Law, depending on the nature and seriousness of the violation, it shall be cautioned, fined, or subject to the measure of withdrawal or confiscation of publications, video and audio recording tapes, suspension from publication, or revocation of its press activity permit in accordance with Clause 2 of this Article.

2. When publishing or broadcasting information with contents prescribed in Clauses 1 thru 10, Article 9 of this Law, causing very serious or particularly serious consequences, a press agency shall have its press activity permit, permit for publication of an additional journalistic publication or a supplement, production of an additional radio channel or television channel, or creation of a specialized page of an online press revoked, or an agency or organization shall have its permit for publication of a special issue or a newsletter revoked.

3. In case the head of a press managing agency, the general director, deputy general director, director, deputy director, editor-in-chief or deputy editor-in-chief of a press agency, a journalist, an author of a journalistic work or another individual violates this Law, depending on the nature and seriousness of the violation, he/she shall be disciplined, have his/her press card revoked, be sanctioned for administrative violations, or be examined for penal liability.

4. Organizations and individuals that infringe upon intellectual property rights related to the press shall be handled in accordance with the law on intellectual property.

5. In case a press agency, a journalist, an organization or an individual engaged in press activities causes damage to lawful rights and

interests of another agency, organization or individual, in addition to being handled in accordance with Clauses 1 thru 4 of this Article, it/he/she shall make a public apology and correction in the press and pay compensation for the damage in accordance with law.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 60. Effect

1. This Law takes effect on January 1, 2017.

2. The December 28, 1989 Press Law, which has been amended and supplemented under Law No. 12/1999/QH10, ceases to be effective on the effective date of this Law.

Article 61. Detailing provision

The Government and competent agencies shall detail the articles and clauses as assigned to them in the Law.

This Law was passed on April 5, 2016, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 11th session.

Chairperson of the National Assembly

NGUYEN THI KIM NGAN