

**THE GOVERNMENT**

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**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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No.: 150/2018/ND-CP

*Hanoi, November 07, 2018*

**DECREE**

**AMENDING CERTAIN DECREES ON INVESTMENT AND BUSINESS REQUIREMENTS,  
AND ADMINISTRATIVE PROCEDURES IN THE INFORMATION AND  
COMMUNICATIONS SECTOR**

*Pursuant to the Law on government organization dated June 19, 2015;*

*Pursuant to the Law on enterprises dated November 26, 2014;*

*Pursuant to the Law on investment dated November 26, 2014 and the Law dated November 22, 2016 on amendments to Article 6 and Appendix 4 regarding the list of business lines subject to specific business conditions of the Law on investment;*

*Pursuant to the Law on information technology dated June 29, 2006;*

*Pursuant to the Law on telecommunications dated November 23, 2009;*

*Pursuant to the Law on postal services dated June 17, 2010;*

*Pursuant to the Law on publishing dated November 20, 2012;*

*Pursuant to the Press Law dated April 05, 2016;*

*At the request of the Minister of Information and Communications;*

*The Government promulgates a Decree amending certain decrees on investment and business requirements, and administrative procedures in the information and communications sector.*

**Article 1. Amendments to and abrogation of certain articles of the Government’s Decree No. 195/2013/ND-CP dated November 21, 2013 on elaboration and implementation of the Law on publishing**

1. Clause 1 Article 7 is amended as follows:

a) Point a Clause 1 is amended as follows:

“a) The application for the license for establishment of representative office shall be made in Vietnamese (if a foreign language document is submitted, it must be translated into Vietnamese

and legally notarized) and submitted to the Ministry of Information and Communications. The application includes: The application form for the license; the written certification granted by a foreign competent authority certifying that the publishing house or the publication distribution company (the applicant) lawfully operates in the country where its head office is located; the certified copies or the copies presented with their originals for verification purpose of bachelor's degree or academic qualifications of higher level, the criminal record and the family register or documents proving the lawful residence in Vietnam of the head of the representative office, issued by competent authorities of Vietnam;"

b) Point b Clause 1 is amended as follows:

“b) Within 20 business days from the receipt of a complete application, the Ministry of Information and Communications shall issue the license for establishment of the representative office to the applicant; in case of refusal, a written response in which reasons for such refusal are indicated must be given to the applicant.

If an application submitted through the Internet or postal service is incomplete or contains incorrect forms of documents, within 03 business days from the receipt of the application, the Ministry of Information and Communications (the Agency of Publication, Print and Release) shall inform and instruct the applicant to modify the application either by telephone, email or fax.

A license for establishment of representative office is valid for 05 years from the date of issue and may be extended provided that each extension shall not exceed 05 years.”

2. Point c Clause 2 Article 7 is amended as follows:

“c) Within 07 business days from the receipt of a complete application, the Ministry of Information and Communications shall re-issue or extend the license for establishment of the representative office; in case of refusal to re-issue or extend the license, a written response in which reasons for such refusal are indicated must be given to the applicant.”

3. Point a Clause 1 Article 8 is amended as follows:

“a) It must have a head office of adequate area meeting relevant regulations on standards of working offices;”

4. Clause 1 Article 9 is amended as follows:

a) Point a Clause 1 is amended as follows:

“a) Before appointing the general director (or director) or the editor-in-chief of a publishing house, the agency in charge of managing such publishing house must submit an application for approval from the Ministry of Information and Communications. The application includes: The application form for approval of the personnel appointment; the resume of the to-be-appointed

person; the certified copy or the copy presented with its original for verification purpose of the bachelor's degree or higher of the to-be-appointed person;"

b) Point c Clause 1 is amended as follows:

"c) Within 15 business days from the receipt of a complete application, the Ministry of Information and Communications shall give or refuse to give a written approval for the appointment, dismissal or discharge of the general director (or director) or the editor-in-chief of a publishing house."

5. Point b Clause 2 Article 13 is amended as follows:

"b) With respect to documents proving production space: The certified copy or the copy presented with its original for verification purpose of the certificate of land use rights or the contract or any documents proving the land allocation or lease of land, premises or workshop."

6. Clause 2 and Clause 3 Article 14 are amended as follows:

a) Point b Clause 2 is amended as follows:

"b) Within 20 business days from the receipt of a complete application, the Ministry of Information and Communications shall issue the license to import publications to the applicant; in case of refusal, a written response in which reasons for such refusal are indicated must be given to the applicant."

b) Point b Clause 3 is amended as follows:

"b) Within 07 business days from the receipt of a complete application, the Ministry of Information and Communications shall re-issue the license to import publications to the applicant; in case of refusal to re-issue the license, a written response in which reasons for such refusal are indicated must be given to the applicant."

7. Article 17 is amended as follows:

a) Point a Clause 1 is amended as follows:

"a) It must have a server located in Vietnam;"

b) Clause 2 is amended as follows:

"2. Requirements regarding technicians in charge of operating and managing the publishing and distribution of e-publications are laid down in Point a Clause 1 and Point a Clause 2 Article 45 of the Law on publishing. To be specific:

They must complete training courses in Information Technology."

c) Point b Clause 3 is amended as follows:

“b) Technical measures must be adopted to prevent unauthorized access via the Internet;”

8. Point b Clause 2 Article 18 is amended as follows:

“b) Within 15 business days from the receipt of the documentation of registration of e-publication publishing or distribution, the Ministry of Information and Communications shall examine the implementation of the Scheme and give a written certification of registration of e-publication publishing or distribution to the applicant; in case of refusal, a written response in which reasons for refusal are indicated must be given to the applicant;”

9. The following regulations of the Government’s Decree No. 195/2013/ND-CP dated November 21, 2013 on elaboration and implementation of the Law on publishing shall be abrogated:

a) Point c Clause 1 Article 6;

b) Clause 3 Article 8;

c) Points b, c, e Clause 1 Article 17;

d) Point a Clause 3 Article 17;

dd) Clause 5 Article 17.

**Article 2. Amendments to and abrogation of certain articles of the Government's Decree No. 72/2013/ND-CP dated July 15, 2013 on management, provision and use of Internet services and cyber information, as amended and supplemented in the Government's Decree No. 27/2018/ND-CP dated March 01, 2018**

1. Clause 2 Article 23a is amended as follows:

“2. There are at least 01 employee in charge of contents and at least 01 employee in charge of technical management.”

2. Article 23b is amended as follows:

a) Clause 3 is amended as follows:

“3. The news website and social networking site of the same organization or enterprise may not use the same domain name which contains the same characters (including secondary domain names, e.g. forum.vnn.vn, news.vnn.vn are domain names containing different characters).”

b) Clause 4 is amended as follows:

“4. The domain name must be compliant with regulations on management and use of Internet resources. In case of international domain names, certification of using legal domain names is required.”

3. Article 32a is amended as follows:

a) Clause 1 is amended as follows:

“1. It has a headquarters with clear and contactable address and telephone number.”

b) Clause 2 is amended as follows:

“2. It employs at least 01 person in charge of administration of electronic games.”

4. Point b Clause 3 Article 33 is amended as follows:

“b. It employs at least 01 person in charge of administration of electronic games.”

5. The following regulations of the Government's Decree No. 72/2013/ND-CP dated July 15, 2013 on management, provision and use of Internet services and cyber information, as amended and supplemented in the Government's Decree No. 27/2018/ND-CP dated March 01, 2018 are abrogated.

a) Point a Clause 2 Article 14;

b) Point b Clause 2 Article 15;

c) Clause 2 Article 32b;

d) Clause 3 Article 32d;

dd) Point e Clause 4 Article 32d;

e) Clause 4 Article 33.

**Article 3. Abrogation of certain regulations of the Government’s Decree No. 102/2009/ND-CP dated November 06, 2009 on management of investment in IT application with funds from state budget**

The following regulations are abrogated:

1. Clause 1 Article 60.

2. Article 61.

3. Article 62.

4. Article 63.
5. Article 64.
6. Article 65.
7. Article 66.
8. Article 67.
9. Article 68.
10. Article 69.
11. Article 70.
12. Article 71.
13. Article 72.

**Article 4. Abrogation of certain regulations of the Government's Decree No. 47/2011/ND-CP dated June 17, 2011 on implementation of the Law on postal services**

The following regulations are abrogated:

1. Point c Clause 3 Article 11.
2. Point b Clause 2 Article 12.
3. Article 18.

**Article 5. Effect**

This Decree comes into force as from December 24, 2018.

**Article 6. Implementation**

Ministers, heads of ministerial-level agencies, heads of the Government's affiliates, Chairpersons of people's committees of provinces and central-affiliated cities, and relevant organizations and individuals shall be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**