

**THE GOVERNMENT**

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**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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No.: 15/2020/ND-CP

*Hanoi, February 03, 2020*

## **DECREE**

### **PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON POSTAL SERVICES, TELECOMMUNICATIONS, RADIO FREQUENCIES, INFORMATION TECHNOLOGY AND ELECTRONIC TRANSACTIONS**

*Pursuant to the Law on Organization of Government dated June 19, 2015;*

*Pursuant to the Law on Penalties for Administrative Violations dated June 20, 2012;*

*Pursuant to the Law on Postal Services dated June 17, 2010;*

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

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

*Pursuant to the Law on Information Technology dated June 29, 2006;*

*Pursuant to the Law on Cyberinformation Security dated November 19, 2015;*

*Pursuant to the Law on Electronic Transactions dated November 29, 2005;*

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

*The Government promulgates this Decree prescribing penalties for administrative violations against regulations on postal services, telecommunications, radio frequencies, information technology and electronic transactions.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

1. This Decree deals with administrative violations, penalties, fines, remedial measures, the power to record administrative violations and the power to impose penalties against administrative violations in the following sectors:

a) Postal services;

b) Telecommunications, including trade in telecommunications services; establishment of telecommunications networks and provision of telecommunications services; planning, design, construction and operation of telecommunications facilities; planning, management and use of telecommunications and internet resources; management of telecommunications quality and services;

c) Radio frequencies;

d) Information technology (IT), including IT industry; investment and procurement; cyberinformation security; prevention of spam emails and messages; social networks, websites, online and public electronic gaming services;

dd) Electronic transactions.

2. Administrative violations in other state management sectors that are related to the sectors specified in Clause 1 of this Article but are not prescribed in this Decree shall be handled according to Decrees on penalties for administrative violations in corresponding sector.

## **Article 2. Regulated entities**

1. Vietnamese and foreign organizations and individuals (hereinafter referred to as “entities”) that commit administrative violations specified in this Decree.

2. Organizations incurring penalties as prescribed herein include:

a) Enterprises operating in postal services, telecommunications, radio frequencies, information technology and electronic transactions;

b) Providers of postal services, telecommunications services and online gaming services;

c) Organizations acting as Internet agencies;

d) Representatives/ representative offices of foreign postal service providers; branches of postal service providers;

dd) Points of telecommunications services (hereinafter referred to as “POS”); points of public electronic gaming services;

e) Public Internet access points;

g) Providers of cellular network-based information services;

h) Entities operating in radio and television broadcasting with use of radio frequencies;

i) Administrative units, social organizations and socio-political organizations that use radio frequencies;

- k) Non-governmental organizations (NGOs) that use radio frequencies;
- l) Domain name registrars;
- m) Information system operators;
- n) Regulatory authorities committing violations that are not related to their assigned management tasks;
- o) Organizations other than regulatory authorities that commit the violations in sectors specified in Clause 1 Article 1 hereof.

### **Article 3. Penalties and remedial measures**

#### **1. Primary penalties:**

- a) Warnings;
- b) Fines.

#### **2. Depending on the nature and severity of each administrative violation, the violating entity may face one or some of the following additional penalties:**

- a) The following license shall be suspended for a fixed period of 01-24 months: Postal service license, telecommunications license, license for establishment of telecommunications network, submarine cable installation license, license to use radio frequencies, license for trading in cyberinformation security products and services, license for establishment of social network, license to provide G1 gaming services, license to provide public digital signature certification services, and practicing license/certificate.
- b) The exhibits and instrumentalities used for committing administrative violations in postal services, telecommunications, radio frequencies, IT and electronic transactions sectors shall be confiscated;
- c) The violating entity's operation shall be suspended for a fixed period of 01 - 24 months;
- d) Deportation.

#### **3. In addition to the primary and additional penalties, the violating entity shall be also liable to one or some of the following remedial measures:**

- a) Enforced return of total amounts subscribed to primary accounts of Subscriber Identity Modules (SIM). If it is unable to determine the exact amounts of money paid to SIM cards, the amount payable on each SIM shall be calculated by adopting the following formula: VND 100,000 x the number of months in which the violation occurs;

- b) Enforced repurposing or recycling;
- c) Enforced recall of subscriber numbers, prefixes and telecommunications numbers;
- d) Enforced recall of Internet resources, Internet Protocol (IP) addresses and Autonomous System Number (ASN);
- dd) Enforced recall of management codes, service-providing codes;
- e) Enforced return of IP addresses, ASNs and domain names;
- g) Enforced return of fees for use of radio frequencies for the period during which radio frequencies have been used without a valid license or for unlicensed operations or with unlicensed transmission method;
- h) Enforced return of radio operator certificates;
- i) Enforced return of postal items;
- k) Enforced payment of the successful bid for the rights to use Internet resources;
- l) Enforced re-export of articles and/or goods prohibited from import/postage stamps;
- m) Enforced recovery of improperly spent funding;
- n) Enforced invalidation of results of auction of rights to use radio frequencies;
- o) Enforced return of written permission for processing/repair of used IT products;
- p) Enforced removal of incorrect or misleading information or information infringing laws.
- q) Proposed revocation of license due to the commission of violation.
- r) Enforced return of written certification of notification of postal operations.

#### **Article 4. Fines and power to impose fines**

1. The maximum fine for an administrative violation in postal services or electronic transactions sector imposed upon an individual is VND 40,000,000.
2. The maximum fine for an administrative violation in telecommunications, radio frequencies or IT sector imposed upon an individual is VND 100,000,000.
3. The fines prescribed in Chapter II to Chapter VII hereof are imposed for administrative violations committed by organizations, except the administrative violations mentioned in Article

106 hereof. The fine imposed on an individual shall be half the one imposed on an organization for committing the same violation.

4. The fines imposed by the competent persons prescribed in Chapter VIII hereof are incurred by organizations; the fine that a competent person may impose upon an individual shall be half the one he/she imposes on an organization for the same violation.

## **Chapter II**

### **ADMINISTRATIVE VIOLATIONS IN POSTAL SERVICES SECTOR, PENALTIES AND REMEDIAL MEASURES**

#### **Article 5. Violations against regulations on postal service license**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for improperly notifying the postal service authority of any changes in the postal service license as regulated.

2. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for failure to notify the postal service authority of any changes in the postal service license as regulated.

3. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing postal services against the postal service license;
- b) Erasing or altering contents of the postal service license;
- c) Failing to maintain the minimum capital as regulated by law.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing postal services without the postal service license granted by a competent postal service authority;
- b) Trading or pledging the postal service license;
- c) Leasing or lending the postal service license; transferring the postal service license against the law.

5. Additional penalties:

- a) The postal service license shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point b Clause 4 of this Article;

b) The violating entity's operation shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point c Clause 3 of this Article.

6. Remedial measures:

a) Proposed revocation of the postal service license in case of commission of the violation in Point c Clause 4 of this Article;

b) Enforced return of benefits illegally obtained from the commission of the violation in Point a Clause 3, or Point a or Point c Clause 4 of this Article;

c) Enforced fulfillment of minimum capital requirement in case of commission of the violation in Point c Clause 3 of this Article.

**Article 6. Violations against regulations on notifications of postal operations**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for improperly notifying the postal service authority of changes in the written certification of postal operations.

2. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for failure to notify the postal service authority within 07 working days from the commencement of postal operations.

3. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

a) Erasing or altering the written certification of notification of postal operations;

b) Acting as a branch or representative office of an enterprise that is duly established under the law of Vietnam but provides postal services without a written certification of notification of postal operations granted by the postal service authority;

c) Failing to notify the postal service authority of any changes in the written certification of notification of postal operations.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Providing postal services without the written certification of notification of postal operations granted by the postal service authority;

b) Acting as an agency, representative or representative office of, or operating a franchise in Vietnam from foreign postal service provider without a written certification of notification of postal operations granted by the postal service authority.

5. Remedial measures:

- a) Enforced return of benefits illegally obtained from the commission of the violation in Clause 1 or Point a Clause 4 of this Article;
- b) Enforced return of the written certification of notification of postal operations in case of commission of the violation in Point a Clause 3 of this Article.

#### **Article 7. Violations against regulations on postal service contracts**

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for improperly using the date stamp or specifying incorrect information about pickup time and/or location on the signed contract or written certification of acceptance of postal items.
2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failing to use the date stamp or specify information about pickup time and/or location on the signed contract or written certification of acceptance of postal items.
3. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for the commission of one of the following violations:
  - a) Failing to properly and sufficiently specify all contents as required by law in the contract for provision of postal services or written certification of acceptance of postal items;
  - b) Failing to use Vietnamese language in the contract for provision of postal services;
  - c) Failing to enter into an agency contract or using an expired agency contract when employing or acting as a postal service agency.
4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:
  - a) Operating a franchise in Vietnam from a foreign postal service provider under an expired franchise agreement;
  - b) Acting as a representative of a foreign postal service provider under an expired representative agreement.

#### **Article 8. Violations against regulations on provision and use of postal services, and reporting thereon**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for failing to provide sufficient information on postal items as prescribed.
2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for failing to provide information on postal items as prescribed.

3. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing inadequate information about provided postal services;
- b) Improperly or insufficiently posting the list of prohibited articles and goods, and regulations on provision of postal services at serving points of a postal service provider;
- c) Failing to fully and strictly comply with regulations on delivery of postal items;
- d) Submitting reports after the prescribed deadline by up to 15 days or submitting a report which does not contain sufficient contents as prescribed or does not meet requirements set by postal service authorities.

4. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to comply with regulations on delivery of postal items;
- b) Failing to post the list of prohibited articles and goods, and regulations on provision of postal services at serving points of a postal service provider;
- c) Submitting reports after the prescribed deadline by more than 15 days.

5. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

- a) Unlawfully refuse to provide public postal services or postal services serving operations of the Communist Party or Government authorities, or national defense and security purposes;
- b) Failing to report on participation in international postal organizations to competent authorities;
- c) Submitting inaccurate or dishonest reports, or failing to submit reports as prescribed.

6. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the commission of one of the following violations:

- a) Provision of public postal services by an enterprise that is not designated by the Government;
- b) Failing to submit accurate reports on rendered public postal services as prescribed.

7. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to manage public postal services and particular postal services separately;



b) Failing to submit reports on rendered public postal services as prescribed.

8. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Using revenue earned from the provision of particular postal services to offset losses suffered from the provision of other postal services at below the market prices;

b) Committing violations against regulations on international postal operations and other related services laid down in international conventions on postal services to which the Socialist Republic of Vietnam is a signatory;

c) Committing violations against regulations on the scope of particular postal services.

#### **Article 9. Violations against regulations on prohibited articles and goods in postal services sector**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Sending, accepting or transporting postal items containing articles or goods which are banned exports under the law of Vietnam or banned imports under the law of the country where such postal items are sent to.

b) Sending, accepting or transporting postal items containing articles or goods which are prohibited from being used or sold as prescribed by law;

c) Sending, accepting or transporting postal items containing articles or goods which are banned imports as prescribed by law;

d) Sending, accepting or transporting postal items containing articles or goods which are banned from being transported by post under the law of Vietnam or an international convention to which the Socialist Republic of Vietnam is a signatory.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for sending, accepting, transporting or delivering postal items containing cultural products which contravene moral values, fine traditions and customs of Vietnam.

3. Additional penalties:

The exhibits and instrumentalities used for committing the administrative violations in Points a, b, c Clause 1 of this Article shall be confiscated.

4. Remedial measures:

- a) Enforced destruction of articles in case of commission of the violation in Clause 2 of this Article;
- b) Enforced re-export of articles or goods which are banned from being imported into Vietnam in case of commission of the violation in Point c Clause 1 of this Article.

**Article 10. Violations against regulations on safety and security procedures of postal services**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failing to check, make records of and rewrap torn or otherwise damaged items.
2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:
  - a) Impersonating someone else to use postal services;
  - b) Failing to fully and properly implement safety and security measures when providing postal services.
3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:
  - a) Adopting no safety and security measures when providing postal services;
  - b) Suspending transport or delivery of postal items, checking and handling postal items, or requesting information on postal services without making a written record which must contain signatures of relevant parties;
  - c) Revealing information on postal services against law regulations;
  - d) Failing to suspend the transport or delivery of postal items or failing to notify relevant competent authorities of postal items which are found to be prohibited articles or goods.
4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:
  - a) Unlawfully opening postal items;
  - b) Fraudulently exchanging any contents of a postal item;
  - c) Appropriating or stealing any postal item worth less than VND 2,000,000, or unlawfully destroying postal items;

d) Failing to cooperate with competent authorities in suspending the transport or delivery of postal items, or checking and handling postal items, or providing information on postal services as prescribed.

5. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

a) Misusing the suspension of transport or delivery of postal items, or the checking and handling of postal items, or request for information on postal services to cause damage to the national interests, lawful rights and interests of providers and users of postal services;

b) Unlawfully obstructing postal operations.

6. Remedial measures:

Enforced return of postal items in case of commission of Point b or c Clause 4 of this Article.

**Article 11. Violations against regulations on changes in name and address of recipient; forwarding, return or withdrawal of postal items; unclaimed items**

1. A fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for failing to strictly comply with regulations on changes in the recipient's name or address, or withdrawal of postal items.

2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for failing to comply with regulations on changes in the recipient's name or address, or withdrawal of postal items.

3. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for collecting postage for return of standard-sized mail weighing up to 500 grams when it cannot be delivered.

4. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the commission of one of the following violations:

a) Improperly forwarding the postal item to a new address when it is not yet delivered to the recipient's address and when the sender has properly notified change in the recipient's address;

b) Improperly fulfilling the sender's order for return of postal items which cannot be delivered to the recipient;

c) Handling unclaimed items inconsistently with relevant regulations.

5. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to forward the postal item to a new address when it is not yet delivered to the recipient's address and when the sender has properly notified change in the recipient's address;

b) Failing to fulfill the sender's order for return of postal items which cannot be delivered to the recipient;

c) Failing to handle unclaimed items in accordance with relevant regulations.

6. Remedial measures:

Enforced return of the postage charged inconsistently with law regulations in case of commission of the violation in Clause 3 of this Article.

## **Article 12. Violations against regulations on public postal networks**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

a) Installing centralized mailboxes at multistoried apartment buildings or office buildings inconsistently with regulations;

b) Installing public mailboxes in urban areas or residential areas inconsistently with regulations;

c) Failing to arrange locations or failing to organize the installation of centralized mailboxes for postal service users in multistoried apartment buildings or office buildings.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to inspect, repair, maintain and protect facilities of public postal networks;

b) Failing to build and develop public postal networks according to the planning approved by a competent state authority;

c) Failing to install centralized mailboxes at multistoried apartment buildings or office buildings;

d) Failing to install public mailboxes in urban areas or residential areas.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Causing damage to any public postal works;

b) Using specialized vehicles for rendering public postal services inconsistently with the order of priority established by a local authority.

4. Remedial measures:

Enforced restoration of initial state which has been changed due to the commission of the violation in Point a Clause 3 of this Article.

### **Article 13. Violations against regulations on postal service quality and postage rates**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for improperly or insufficiently declaring quality criteria of postal services other than public postal services.

2. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to declare quality criteria of postal services other than public postal services;

b) Making inaccurate declaration of quality of public postal services/public services in newspapers distribution as prescribed by law.

3. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to make declaration of conformity of public postal services/ public services in newspapers distribution as prescribed by law;

b) Failing to post or make the declaration of conformity and list of quality criteria of public postal services/public services in newspapers distribution publicly available at serving points;

c) Improperly fulfilling any of quality criteria of public postal services/public services in newspapers distribution laid down in national technical regulations;

d) Improperly fulfilling quality criteria of postal service serving operations of the Communist Party and Government authorities;

dd) Improperly fulfilling any of the declared quality criteria of postal services other than public postal services.

4. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the commission of one of the following violations:

a) Setting postage rates ultra vires;

b) Failing to send notification of postage rates to competent authorities;

c) Failing to formulate and submit the plan for postage rates imposed by the Government to competent authorities;

d) Failing to carry out self-inspection of quality of public postal services/public services in newspapers distribution;

dd) Failing to fulfill any of quality criteria of public postal services/ public services in newspapers distribution laid down in national technical regulations;

e) Failing to fulfill quality criteria of postal services as declared.

#### **Article 14. Violations against regulations on postage stamps**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for the commission of one of the following violations in postage prepayment:

a) Using Vietnam's postage stamps bearing cancellation marks;

b) Using Vietnam postage stamps which are damaged.

2. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for using Vietnam's postage stamps which are prohibited.

3. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for using foreign postage stamps to prepay postage on postal items sent domestically or from Vietnam to a foreign country.

4. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

a) Trading, exchanging, exhibiting or disseminating postage stamps bearing contents, images, marks or signs in contravention of social ethics, fine traditions and customs of Vietnam;

b) Selling Vietnam's postage stamps on public postal network within their supply period at prices other than those printed on stamps, excluding postage stamps bearing cancellation marks;

c) Selling special postage stamps of which the supply period expires on public postal network, except re-purchased stamps;

d) Selling Vietnam's postage stamps without obtaining an issue decision from a competent authority;

dd) Organizing philatelic exhibitions inconsistently with regulations promulgated by competent authorities;

e) Failing to use Vietnam's postage stamps bearing "specimen" word or cancellation marks when printing them on publications, unless a postage stamp is greatly magnified as a panel or poster;

g) Keeping Vietnam's postage stamps and their design dossiers against law regulations.

5. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Trading, exchanging, exhibiting or disseminating foreign postage stamps whose contents and origin are not accepted as notified by postal service authorities of member states of the Universal Postal Union and stamp collectors associations;

b) Printing Vietnam's postage stamps against the decision issued by a competent authority;

c) Failing to keep Vietnam's postage stamps and their design dossiers.

6. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Trading, exchanging, exhibiting or disseminating postage stamps which are subject to suspension or recall decisions;

b) Using or copying a part or entire of approved templates of Vietnam's postage stamps without a written approval granted by competent authorities;

c) Failing to recall, handle and/or destroy postage stamps according to a valid publication cessation or suspension decision, or special postage stamps of which the supply period expires as prescribed by competent authorities;

d) Recalling, handling and/or destroying postage stamps which are subject to a valid publication cessation or suspension decision, or special postage stamps of which the supply period expires against regulations.

7. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Trading, exchanging, exhibiting or disseminating fake postage stamps;

b) Printing Vietnam's postage stamps without obtaining the decision from a competent authority;

c) Failing to obtain an approval from the Ministry of Information and Communications for the plan for overseas printing of postage stamps, printing cooperation or joint issue with a foreign postal service authority.

8. A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed for trading, exchanging, exhibiting or distributing postage stamps whose contents, images, signs or symbols cause incitement and/or animosity between ethnic groups or religions, or which communicate untrue information concerning the territorial sovereignty of Vietnam.

9. Additional penalties:

a) The exhibits and instrumentalities used for committing the administrative violation in Point d Clause 4, Point a or b Clause 5, Point a or b Clause 6, Point a or b Clause 7 of this Article shall be confiscated;

b) Foreigners shall be deported from the territory of the Socialist Republic of Vietnam if committing the violation in Clause 8 of this Article.

10. Remedial measures:

a) Enforced return of benefits illegally obtained from the commission of the violation in Point a, b or c Clause 4, Point a Clause 5, Point a Clause 6, Point a Clause 7, or Clause 8 of this Article;

b) Enforced destruction of articles in case of commission of the violation in Point a Clause 4 or Clause 8 of this Article.

### **Chapter III**

## **ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON TELECOMMUNICATIONS AND INTERNET, PENALTIES AND REMEDIAL MEASURES**

### **Section 1. VIOLATIONS AGAINST REGULATIONS ON TELECOMMUNICATIONS LICENSE**

#### **Article 15. Violations against regulations on telecommunications license**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for setting up a telecommunications network and providing telecommunications services without giving an official notification of operation of telecommunications network and provision of telecommunications services to the Ministry of Information and Communications as prescribed.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for deliberately altering or erasing the telecommunications license.

3. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for establishing a private telecommunications network or conducting trials of telecommunications networks and services without a valid license.

4. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for establishing a public telecommunications network, rendering telecommunications services or installing submarine telecommunications cables without a valid license.

5. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for fraudulently obtaining or providing false information for obtaining the telecommunications license.

6. Additional penalties:

a) The telecommunications license shall be confiscated in case of commission of the violation in Clause 2 of this Article;



b) The exhibits and instrumentalities used for committing the administrative violation in Clause 3 and Clause 4 of this Article shall be confiscated.

7. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation prescribed in Clause 4 or 5 of this Article;

**Article 16. Violations against regulations on announcement of and changes in telecommunications license**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to publicly announce all contents of the license to provide telecommunications services;
- b) Failing to publicly announce all contents about the modification or renewal of the license to provide telecommunications services;
- c) Failing to publicly announce contents of the license to provide telecommunications services within the prescribed period or failing to publish the same on 03 consecutive issues of a daily printed newspaper or an online newspaper and the website of the Ministry of Information and Communications;
- d) Failing to publicly announce contents about the modification or renewal of the license to provide telecommunications services within the prescribed period or failing to publish the same on 03 consecutive issues of a newspaper.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to publicly announce contents of the license to provide telecommunications services;
- b) Failing to publicly announce contents about the modification or renewal of the license to provide telecommunications services.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to notify the competent telecommunications authority within 30 days from the occurrence of any change in contents of the license to provide telecommunications services as prescribed;
- b) Failing to carry out procedures for modification of the license to provide telecommunications services in case of changes in the contents of the license as prescribed;

c) Failing to carry out procedures for modification of the license to establish private telecommunications network in case changes in the licensee's name, network configuration, scope of the network or types of services rendered occur;

d) Failing to notify the licensing authority within 30 days from the date of relocation of headquarters of the holder of the license to establish private telecommunications network.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to carry out procedures for modification of the license to install submarine telecommunications cables in case changes in the licensee's name or the licensed submarine cable route;

b) Failing to notify the licensing authority within 30 days from the official date of relocation of headquarters of the licensee.

5. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for failure by the licensee to fulfill commitments made with the licensing authority.

6. Additional penalties:

The telecommunications license shall be suspended for a fixed period of 22 – 24 months in case of commission of the violation in Clause 5 of this Article.

#### **Article 17. Violations against regulations on license to establish private telecommunications network**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for providing services to entities that are not members of the private telecommunications network.

2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for operating the private telecommunications network for business purposes.

3. Additional penalties:

The license to establish private telecommunications network shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Clause 1 or Clause 2 of this Article.

4. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Clause 2 of this Article.

## **Article 18. Violations against regulations on license to trial telecommunications network and services**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to complete trial dossier or submit report on trial results to the Ministry of Information and Communications upon the completion of the trial.
2. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for implementing the trial plan against the issued license.
3. Additional penalties:

The license to trial telecommunications network and services shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Clause 2 of this Article.

## **Article 19. Violations against regulations on license to install submarine telecommunications cables**

1. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for providing inaccurate or insufficient information on the submarine telecommunications cable routes for Ministry of Information and Communications.
2. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for building and installing submarine telecommunications cable routes inconsistently with the diagrams or coordinates of cable routes licensed by a competent authority.
3. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:
  - a) Doing works other than survey, installation, maintenance and repair of telecommunications cable routes within the territorial waters of Vietnam;
  - b) Performing the survey, installation, maintenance or repair of submarine telecommunications cable routes without permission from a competent authority.

### **4. Additional penalties:**

- a) The license to install submarine telecommunications cables shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point a Clause 3 of this Article;
- b) Foreigners shall be deported from the territory of the Socialist Republic of Vietnam if committing the violation in Clause 2 or 3 of this Article.

## **Section 2. VIOLATIONS AGAINST REGULATIONS ON PROVISION OF TELECOMMUNICATIONS SERVICES**

## **Article 20. Violations against regulations on telecommunications services agencies**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for the commission of one of the following violations:

a) Establishing terminal systems at locations other than the agreed ones under the telecommunications service agency contract;

b) Failing to provide telecommunications services within prescribed time frame.

2. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for failing to provide necessary information on telecommunications services to users.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Providing telecommunications services without entering into a telecommunications service agency contract;

b) Failing to comply with a competent authority's request for refusal to provide telecommunications services to persons that perform prohibited acts in telecommunications sector.

4. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Point a Clause 3 of this Article.

## **Article 21. Violations against regulations on use of telecommunications services and subscription**

1. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for using telecommunications services for performing prohibited acts in telecommunications sector.

2. Additional penalties:

The exhibits and instrumentalities used for committing the violation in Clause 1 of this Article shall be confiscated.

3. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Clause 1 of this Article.

## **Article 22. Violations against regulations on ownership in telecommunications services**

1. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to submit reports to the Ministry of Information and Communications on changes in entities whose stakes/shares in the telecommunications enterprise exceed the prescribed limits;
- b) Failure to develop an equity restructuring plan by the enterprise that is on the Prime Minister's List of enterprises providing telecommunications services with network infrastructure in which the State holds controlling shares.

2. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for the commission of one of the following violations:

- a) Failure to perform equity restructuring by the enterprise that is on the Prime Minister's List of enterprises providing telecommunications services with network infrastructure in which the State holds controlling shares;
- b) Failure to complete the equity restructuring plan within the prescribed period by the enterprise that is on the Prime Minister's List of enterprises providing telecommunications services with network infrastructure in which the State holds controlling shares.

3. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

- a) Holding controlling shares in a telecommunications enterprise that is on the List of enterprises providing telecommunications services with network infrastructure in which the State holds controlling shares against law regulations;
- b) Concurrently holding stakes/shares in excess of the prescribed limits in two or more telecommunications enterprises providing the same telecommunications services which are on the List of telecommunications services announced by the Ministry of Information and Communications.

4. Additional penalties:

The telecommunications license shall be suspended for a fixed period of 22 - 24 months in case of commission of the violation in Clause 2 or 3 of this Article.

### **Article 23. Violations against regulations on competition in telecommunications sector**

1. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed upon a telecommunications enterprise holding a dominant market position or holding essential facilities for failure to punctually provide other telecommunications enterprises with technical information concerning such essential facilities or commercial information necessary to provide services.

2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed upon a telecommunications enterprise holding a dominant market position or holding essential facilities for taking advantage in telecommunication network or such essential facilities to obstruct or cause difficulties to other telecommunications enterprises in implementing their market penetration strategies or providing telecommunications services.

3. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to obtain a written approval from the Ministry of Information and Communications before applying for exemptions/exceptions under regulations of the Competition Law;

b) Failing to send notification to the Ministry of Information and Communications before conducting the economic concentration with a combined market share of 30%-50% in relevant telecommunications services market.

4. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

a) Use of information obtained from other telecommunications enterprises by a telecommunications enterprise that holds a dominant market position or essential facilities for unfair competition purposes;

b) Practice of cross-subsidization by a telecommunications enterprise that holds a dominant market position or essential facilities for unfair competition.

#### **Article 24. Violations against regulations on dispute resolution in telecommunications sector**

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to provide sufficient information and evidence to the Ministry of Information and Communications for conducting negotiations between the parties;

b) Failing to enter into negotiations at the request of a competent telecommunications authority.

2. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for failure to enforce the dispute resolution decision in force of a competent telecommunications authority.

3. Additional penalties:

The telecommunications license shall be suspended for a fixed period of 22 - 24 months in case of commission of the violation in Point b Clause 1 or Clause 2 of this Article.

### **Section 3. VIOLATIONS AGAINST REGULATIONS ON ESTABLISHMENT OF TELECOMMUNICATIONS NETWORKS AND PROVISION OF TELECOMMUNICATIONS SERVICES**

#### **Article 25. Violations against regulations on establishment of telecommunications networks and provision of telecommunications services**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for failure to publicly post instructions for use of telecommunications services and numbers of emergency telecommunications services, directory assistance services and troubleshooting support services for fixed-line telephone numbers.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to provide necessary information on telecommunications services to users, telecommunications service agencies and Internet agencies.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing telecommunications services inconsistently with the telecommunications license;
- b) Failing to strictly comply with regulations on resale of telecommunications services.

4. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Making connection available for a postpaid services user before he/she enters into a contract and makes payment for SIM price;
- b) Making connection available for a prepaid services user before he/she completes subscriber registration or tops up his/her SIM card.

5. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Cross-border supply of telecommunications services to users in the territory of Vietnam against the law of Vietnam;
- b) Using a standard form contract or contract containing general terms and conditions without approval from a competent authority;
- c) Failing to send written notification to a competent authority when supplying telecommunications services requiring registration or notification of standard form contract/contract containing general terms and conditions as prescribed.

6. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for the commission of one of the following violations:

- a) Establishing a telecommunications network inconsistently with strategies, planning, technical regulations and standards;
- b) Establishing a public telecommunications network, private telecommunications network or private radio telecommunications network for foreign diplomatic missions, consular missions, or representative offices of international organizations in Vietnam against regulations of the Ministry of Information and Communications.

7. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for supplying basic telecommunications services/value-added telecommunications services before entering into contracts with customers.

8. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for installing telecommunications networks for illegally transmitting in any forms the traffic of telecommunications services from Vietnam to a foreign country and vice versa.

9. Additional penalties:

- a) The exhibits and instrumentalities used for committing the administrative violation in Clause 8 of this Article shall be confiscated;
- b) The telecommunications license shall be suspended for a fixed period of 22 - 24 months in case of commission of the violation in Point a Clause 3 or Clause 6 of this Article.

10. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Point a or Point b Clause 5, Clause 7 or Clause 8 of this Article.

## **Article 26. Violations against regulations on public-utility telecommunications services**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Performing propagation or advertising activities leading to the misunderstanding that public-utility telecommunications services are supported by enterprises;
- b) Failing to send notification of prices of public-utility telecommunications services which are within the price bracket announced by the Ministry of Information and Communications at least 03 working days before the decision made by the telecommunications enterprise comes into force;



c) Failing to send the financial contribution plan in the planning year to the Vietnam Public-utility Telecommunication Service Fund (VTF) and Ministry of Information and Communications within the prescribed time limit;

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to supply public-utility telecommunications services according to the list of public-utility telecommunications services;

b) Issuing invoice for public-utility telecommunications services without sufficient information as prescribed;

c) Failing to issue a decision on prices of public-utility telecommunications services which are within the price bracket announced by the Ministry of Information and Communications;

d) Failing to send notification of prices of public-utility telecommunications services which are within the price bracket to the Ministry of Information and Communications.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failing to make statement of financial contributions made to VTF within the prescribed time limit.

4. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to prepare and send the estimate of costs of providing public-utility telecommunications services to the Ministry of Information and Communications;

b) Failure by a telecommunications enterprise that holds a dominant market position or essential facilities to register for performance of tasks of the Program for supply of public-utility telecommunications services;

c) Failing to send the financial contribution plan in the planning year to VTF and Ministry of Information and Communications;

d) Failing to determine and report on the amounts payable in the year to VTF;

dd) Failing to separately monitor and manage revenue from provision of services of which providers must make financial contributions to VTF;

e) Providing public-utility telecommunications services to ineligible users.

5. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to pay financial contributions to VTF within the prescribed time limit;

b) Failing to make full payment of financial contributions to VTF;

c) Failing to make statement of financial contributions payable to VTF.

6. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

a) Using funding granted under the Program for supply of public-utility telecommunications services by 2020 for wrong purposes;

b) Failing to pay financial contributions to VTF.

7. Additional penalties:

The provision of new subscriber numbers shall be suspended for a fixed period of 03 – 06 months in case of commission of the violation in Clause 3, Point d Clause 4, Point c Clause 5 or Point b Clause 6 of this Article.

8. Remedial measures:

a) Enforced recovery of improperly spent funding in case of commission of the violation in Point a Clause 2, Point e Clause 4 or Point a Clause 6 of this Article;

b) Enforced payment of unpaid contributions to VTF and interests on late payments which are calculated according to the highest interest rate on demand deposits announced by the State Bank of Vietnam (SBV) at the time of penalty imposition in case of commission of the violation in Clause 3, Point d or dd Clause 4, Clause 5 or Point b Clause 6 of this Article.

## **Article 27. Violations against regulations on mobile number portability**

1. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations against regulations on number porting, which involves 01 - 05 subscriber numbers:

a) Rejecting a porting request which does not fall in prescribed cases of rejection of porting request;

b) Failing to properly follow number porting procedures;

c) Making a subscriber, who requests for porting of his/her mobile number, pay additional charges other than the porting charge.

2. The following fines shall be imposed for the commission of one of the violations in Clause 1 of this Article:

A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed if the violation involves 06 – 10 subscriber numbers;

b) A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed if the violation involves 11 – 15 subscriber numbers;

c) A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed if the violation involves 16 subscriber numbers or more.

3. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to ensure the connection of the transmission line to the Number Portability Service Center for processing porting requests;

b) Failing to get updated information from the number portability database for maintaining the provision of telecommunications services and telecommunications application services;

c) Failing to ensure telecommunications infrastructure facilities to meet connection demands of authorities/organizations in charge of managing and operating private telecommunications network serving operations of the Communist Party or Government authorities, or national defense and security purposes.

4. Remedial measures:

a) Enforced return or transfer of amount of charges collected against regulations in case of commission of the violation in Point c Clause 1 and Clause 2 of this Article;

b) Enforced provision of telecommunications infrastructure facilities to meet connection demands and access updated information on the number portability database in case of commission of the violation in Clause 3 of this Article.

## **Article 28. Violations against regulations on termination of supply of telecommunications services**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failure by a telecommunications enterprise, that does not hold a dominant market position or essential facilities, or provide public-utility telecommunications services, to send notification of termination of supply of some or all of its services to the telecommunications authority at least 60 days before the planned date of termination;

b) Failing to notify service users or related parties of termination of supply of telecommunications services or failing to publish the same on means of mass media at least 30 days before the official date of termination.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Failure by a telecommunications enterprise, that does not hold a dominant market position or essential facilities, or provide public-utility telecommunications services, to send notification of termination of supply of some or all of its services to the telecommunications authority;
- b) Failing to notify service users or related parties of termination of supply of telecommunications services or failing to publish the same on means of mass media before the termination date.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed on a telecommunications enterprise that holds essential facilities or a dominant market position, or provides public-utility telecommunications services for the commission of one of the following violations:

- a) Failing to submit an application for approval for termination of supply of telecommunications services due to business closure to the Ministry of Information and Communications;
- b) Terminating the supply of telecommunications services due to business closure or terminating the supply of some or all of telecommunications services without a written approval from the Ministry of Information and Communications.

#### **Article 29. Violations against regulations on operational communication**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to provide detailed regulations on entities, scope and using frequency, or failure to promulgate regulations on management of internal operational communication.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failure to strictly comply with regulations on management of internal operational communication.

#### **Article 30. Violations against regulations on directory assistance services**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failing to meet one of service quality standards when rendering 116 service.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Refusing to give assistance service for lookup of fixed-line telephone numbers of telecommunications enterprises which are included in public telephone directories;
- b) Failing to establish assistance methods for lookup of fixed-line telephone numbers as prescribed;

- c) Failing to provide or improperly providing 116 backup services;
- d) Putting information about name or address or other relevant information of a subscriber, who refuses to carry out the registration of subscriber information, into public telephone directories.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to ensure capacity or time of providing trunking gateway connected to 116-service system;
- b) Failing to ensure operating time or failing to provide sufficient information in comparison with 116 service database;
- c) Failing to route 116 calls to the 116 service system;
- d) Failing to provide the fixed-line subscriber database including name, address, telephone numbers and other relevant information to 116 service providers.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failure to provide free of charge public telephone directories to fixed-line subscribers.

### **Article 31. Violations against regulations on emergency telecommunications services and troubleshooting support services for fixed-line telephone numbers**

A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- 1. Failing to ensure the access by users to emergency telephone numbers or troubleshooting support services for fixed-line telephone numbers.
- 2. Failing to give notice of emergency telephone numbers to users or failing to post such numbers in public telephone directories.

### **Article 32. Violations against regulations on change of telecommunications subscriber numbers**

- 1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to notify the change of telecommunications subscriber numbers on means of mass media at least 60 days before the change.
- 2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to formulate and implement the plan for change of telecommunications subscriber numbers or formulating a plan inconsistently with the telecommunications numbering scheme or plans for change of telecommunications subscriber numbers approved by Ministry of Information and Communications.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Changing telecommunications subscriber numbers without a written approval from a telecommunications authority as prescribed;
- b) Failing to adopt technical measures to minimize the connection failure before, during and after the change of telecommunications subscriber numbers;
- c) Failing to publish a notification on means of mass media before changing telecommunications subscriber numbers;
- d) Failing to give instructions on dialing method after changing telecommunications subscriber numbers;
- dd) Failing to send written reports on change of telecommunications subscriber numbers to the telecommunications authority.

**Article 33. Violations against regulations on conclusion of standard form contracts or contracts containing general terms and conditions, retention and use of subscriber information**

1. Telecommunications services rendered to subscribers shall be suspended for a fixed period of 10 – 12 months in case of commission of one of the following violations which involve 01 – 200 SIM cards:

- a) Forging or using identity papers of another person or using certificate of legal status of another entity to enter into standard form contracts/contracts containing general terms and conditions;
- b) Failing to sign a new standard form contract/contract containing general terms and conditions with the telecommunications enterprise when transferring the rights to use a subscriber number;
- c) Failing to request the telecommunications enterprise to issue or recover SIM card or terminate the standard form contract/contract containing general terms and conditions when SIM cards or devices storing subscriber numbers are lost;
- d) Failing to clarify the ownership of subscriber numbers according to the standard form contract/contract containing general terms and conditions signed with the telecommunications enterprise.

2. The following fines shall be imposed for the commission of one of the violations in Clause 1 of this Article:

- a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the violation involves 201 – 500 SIM cards;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the violation involves 501 SIM cards or more.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed upon a mobile telecommunications service provider for the commission of one of the following violations which involve 01 – 10 SIM cards:

a) Providing services to a subscriber with insufficient or inaccurate subscriber information;

b) Failing to enter into a standard form contract with a person who uses 4 prepaid subscriber numbers or more.

4. The following fines shall be imposed on a mobile telecommunications service provider for the commission of one of the violations in Clause 3 of this Article:

a) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if the violation involves 11 – 20 SIM cards;

b) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed if the violation involves 21 – 30 SIM cards;

c) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed if the violation involves 31 – 40 SIM cards;

d) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed if the violation involves 41 SIM cards or more.

5. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a mobile telecommunications service provider that has 01 – 02 POSs committing one of the following violations:

a) Entering into standard form contracts/contracts containing general terms and conditions with entities that do not present sufficient documents as prescribed or present documents which are unclear and cannot be digitized;

b) Keeping physical, digital or electronic certificate of subscriber information which does not bear the signature of the subscriber or of the legal or authorized representative of the entity owning that subscriber number;

c) Entering into standard form contracts/contracts containing general terms and conditions outside the POS;

d) Failing to hang a signboard or hanging a signboard that lacks one of the following contents: “Point of telecommunications services”, name or trademark of the telecommunications enterprise that establishes or authorizes POS, address or telephone number;

dd) Failing to post or insufficiently posting the following documents: the standard form contract/contract containing general terms and conditions for supply and use of telecommunications services; procedures for concluding a standard form contract/contract containing general terms and conditions; the original or the certified true copy of the authorization contract signed by and between the telecommunications enterprise and the enterprise establishing an authorized POS;

e) Failing to have sufficient equipment for inputting and transmitting information, digital forms or images of documents to the centralized database of the telecommunications enterprise;

g) Using unclear digital forms or images of documents or digital images which do not bearing information about date/time when the image is taken;

h) Entering into a standard form contract/contract containing general terms and conditions with a person aged under 14 or a person with whom the contract conclusion must be made by his/her parent or guardian;

i) Entering into a standard form contract/contract containing general terms and conditions with a person other than the legal representative or who is not authorized in writing by the legal representative of an entity, or accepting the certificate of legal status which is not accompanied by the list of individuals allowed to use telecommunications services and originals of their personal identity papers;

k) Failing to store subscriber information on the subscriber database of the POS or failing to transmit required information to the subscriber database of the telecommunications enterprise;

l) Failing to grant access to the subscriber database of the POS to serve performance of inspection tasks.

6. The following fines shall be imposed on a mobile telecommunications service provider that has POS committing one of the violations in Clause 5 of this Article:

a) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if the violation involves 03 – 04 POSs;

b) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed if the violation involves 05 – 06 POSs;

c) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed if the violation involves 07 – 08 POSs;

d) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed if the violation involves 09 POSs or more.

7. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:



a) Selling SIM cards without obtaining the authorization from the mobile telecommunications service provider to conclude standard form contracts/contracts containing general terms and conditions;

b) Selling or providing SIM cards with available subscriber information or activated mobile services without carrying out or completing the conclusion of standard form contracts/contracts containing general terms and conditions;

c) Trading, exchanging or using universal SIM cards or device with function to activate SIM cards without taking the SIM card out to input subscriber information, or to activate prepaid mobile services for SIM cards.

8. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for concluding standard form contracts/contracts containing general terms and conditions without authorization.

9. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed on a mobile telecommunications service provider for the commission of one of the following violations:

a) Entering into authorization contracts with organizations other than enterprises or with individuals to authorize the conclusion of standard form contracts/contracts containing general terms and conditions;

b) Accepting subscriber information provided by an unauthorized POS;

c) Failing to give notification in at least 05 days, once every day, of conclusion of new standard form contracts/contracts containing general terms and conditions to subscribers with incorrect information;

d) Failing to move the subscriber with incorrect information that fails to conclude a new standard form contract/contract containing general terms and conditions to “one-way block stage” after 15 days from the day on which a notification thereof is sent to that subscriber;

dd) Failing to notify the subscriber that has been moved to “one-way block stage” of the fact that the subscriber will be moved to “two-way block stage” after the following 15 days if failing to conclude a new standard form contract/contract containing general terms and conditions;

e) Failing to move the subscriber with incorrect information that still fails to conclude a new standard form contract/contract containing general terms and conditions to “two-way block stage” after 15 days from the day on which the subscriber is moved to “one-way block stage”;

g) Failing to notify the subscriber that has been moved to “two-way block stage” of the fact that the contract and supply of telecommunications service will be terminated after the following 30 days if the subscriber still fails to conclude a new standard form contract/contract containing general terms and conditions;

h) Failing to terminate the contract and supply of telecommunications services if the subscriber still fails to conclude a new standard form contract/contract containing general terms and conditions as notified after 30 days from the day on which the subscriber is moved to “two-way block stage”;

i) Failing to conclude a new standard form contract in case an individual uses more than 03 prepaid subscriber numbers of the same mobile telecommunications network;

k) Failing to provide subscriber information at the request of a competent authority;

l) Failing to provide the subscriber with ways to self-check subscriber information or providing insufficient information to the subscriber performing self-checking of his/her subscriber information;

m) Failing to comply with the request of a competent authority for providing information and inspecting information of subscribers having concluded standard form contracts/contracts containing general terms and conditions in local area in the telecommunications service provider’s centralized database;

n) Failing to publish or inaccurately publishing the list of POSs in each province or city on the website of the telecommunications service provider or publishing a list which does not contain all of required information;

o) Failing to check and inspect to ensure that institutional subscribers concluding standard form contracts/contracts containing general terms and conditions only provide or use subscriber numbers for their employees or equipment, and individual subscribers concluding standard form contracts/contracts containing general terms and conditions themselves use subscriber numbers or provide them for their natural or adopted children aged under 14 years or their wards or use them for their equipment or equipment of their families;

p) Establishing a POS against regulations.

10. A fine ranging from VND 180,000,000 to VND 200,000,000 shall be imposed on a mobile telecommunications service provider for the commission of one of the following violations:

a) Failing to establish technical system or centralized database to input, store and manage subscriber information;

b) Failing to maintain a centralized database containing adequate subscriber information as prescribed or maintaining a centralized database lacking one of the following information fields: date of starting using services, operating status, quantity of subscriber numbers used by an individual or organization, and date of terminating services;

c) Failing to store subscriber information or storing inadequate subscriber information during the use of service by a subscriber, or failing to store subscriber information on the database for at

least 02 years with regard to subscribers that have terminated or transferred the rights to use services;

d) Failing to adopt internal procedures for reviewing and checking subscriber information stored in the centralized database;

dd) Failing to connect the centralized database of the mobile telecommunications service provider with the database of Ministry of Information and Communications or of Ministry of Public Security;

e) Failing to provide adequate subscriber information to service the performance of inspection tasks.

11. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed on the legal representative of the mobile telecommunications service provider for:

a) Failing to arrange personnel and technical facilities to ensure the access to the centralized database of the service provider for inspecting subscriber information at the request of a competent authority;

b) Failing to establish internal procedures for reviewing and checking subscriber information stored in the centralized database.

12. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for using software programs or IT applications to forge information, or photos of documents of organizations or individuals, or persons directly concluding standard form contracts/contracts containing general terms and conditions for using telecommunications services.

13. Additional penalties:

a) The exhibits and instrumentalities used for committing the administrative violation in Clause 7 of this Article shall be confiscated;

b) The provision of telecommunications services to subscribers for a fixed period of 10 – 12 months in case of commission of any of the violations in Clause 2, Point a Clause 3, Clause 4, Points a and b Clause 7, and Clause 12 of this Article.

14. Remedial measures:

a) The mobile telecommunications service provider is compelled to return total amounts equivalent to total top-up amounts for primary accounts of SIM cards of subscribers that have used services after July 24, 2017 in case of commission of one of the violations in Clause 3 and 4, Points a and b Clause 7, Point i Clause 9 and Clause 12 of this Article. In case it is unable to determine total top-up amount, the amount payable per each SIM card is calculated by adopting the following formula: VND 100,000 x total months in which the violation occurs;

b) The mobile telecommunications service provider is compelled to return total amounts equivalent to total amounts added after July 24, 2018 to primary accounts of SIM cards of subscribers that have used services from before July 24, 2017 in case of commission of one of the violations in Clause 3 and 4, Points a and b Clause 7, Point i Clause 9 and Clause 12 of this Article. In case it is unable to determine total top-up amount, the amount payable per each SIM card is calculated by adopting the following formula: VND 100,000 x total months in which the violation occurs.

**Article 34. Violations against regulations on billing, revenue from telecommunications services and payment of telecommunications service charges**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Issuing an invoice containing inadequate or inaccurate information about the service charges and the amount payable for each type of services or VAT and total amount payable by a postpaid service user;
- b) Failing to provide free of charge a detailed list of telecommunications services according to the List of telecommunications services adopted by the Ministry of Information and Communications together with the invoice to a subscriber as prescribed;
- c) Charging calls from fixed-line telephone numbers to emergency service numbers, 116 service or troubleshooting service numbers;
- d) Failing to issue invoices of service charges to postpaid subscribers;

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to adopt correct methods for determining revenue from telecommunications services.
- b) Failing to modify the report on revenue from telecommunications services according to the auditor's report;
- c) Failing to submit the report on revenue from telecommunications services to the competent telecommunications authority by the prescribed deadline;
- d) Submitting a report on revenue from telecommunications services that contains inadequate or inaccurate information as prescribed.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failing to submit a report on revenue from telecommunications services to the competent telecommunications authority.

4. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for improperly deducting the amounts payable according to prescribed service charges for prepaid service users.

5. Remedial measures:

Enforced return or transfer of service charges collected against regulations in case of commission of the violation in Point c Clause 1 or Clause 4 of this Article.

### **Article 35. Violations against regulations on public internet access points**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to specify the business registration number of the Internet agency on its signboard in case of conclusion of the Internet agency contract;

b) Failing to specify the enterprise's name or the number of its license to provide Internet services on the "Public Internet access point" signboard;

c) Failing to specify all prohibited acts as regulated by law in internal regulations on use of Internet services;

d) Failing to openly post the internal regulations on use of Internet services as regulated.

2. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for the commission of one of the following violations:

a) Failure to hang the "Internet agency" signboard or the "Public Internet access point" signboard;

b) Setting up terminal devices to provide Internet services at locations other than the permitted ones;

c) Failing to maintain Internet equipment and systems that meet information safety and security requirements;

d) Providing Internet services with low quality or service charges higher than those agreed upon in the Internet agency contract.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to comply with prescribed times of operation of an Internet agency or Public Internet access point;

- b) Failing to use the subscriber line specified in the signed agency contract to provide public Internet access services;
- c) Arranging or letting Internet service users use computers at its business location to perform prohibited acts as defined in regulations on use of Internet services and cyberinformation;
- d) The public Internet access point fails to conclude an Internet agency contract as prescribed;
- dd) Letting Internet service users access, watch and/or download depraved, crime, social evils or superstition-related information, images and/or videos.

4. Additional penalties:

- a) Operation of the public Internet agency shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Point b, c or dd Clause 3 of this Article;
- b) Operation of the public Internet access point shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Point c or dd Clause 3 of this Article.

**Section 4. VIOLATIONS AGAINST REGULATIONS ON CONNECTION AND SHARING OF TELECOMMUNICATIONS INFRASTRUCTURE AND TELECOMMUNICATIONS FACILITIES**

**Article 36. Violations against regulations on interconnection between public telecommunications networks**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:
- a) The telecommunications enterprise holding essential facilities fails to publish the standard-form interconnection agreement;
  - b) The telecommunications enterprise holding essential facilities fails to submit an application for registration of standard-form interconnection agreement to the competent telecommunications authority by the prescribed deadline;
  - c) Changing connection capacity against the interconnection agreement signed between the parties;
  - d) Refusing negotiation on the interconnection agreement without any written reasons;
  - dd) Entering into an interconnection agreement that does not contain adequate information as prescribed;
  - e) Failing to comply with duration of the interconnection agreement and contract for connection capacity supply as prescribed.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) The telecommunications enterprise holding essential facilities fails to carry out the registration of standard-form interconnection agreement with a competent telecommunications authority;
- b) The telecommunications enterprise holding essential facilities enters into interconnection agreements or contracts for connection capacity supply without obtaining an approval from the competent telecommunications authority for its standard-form interconnection agreement.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to perform the signed interconnection agreement;
- b) Failing to provide technically feasible points of interconnection on telecommunications networks;
- c) Failing to ensure timely connection to the public telecommunications network;
- d) Providing connection to the public telecommunications network with unfair treatment in terms of service charges, network quality or quality of telecommunications services;
- dd) Failing to implement decisions to ensure connection issued by competent telecommunications authorities in case of emergencies;
- e) Making connections with interface or signaling failing to meet standards adopted by Ministry of Information and Communications.

#### **Article 37. Violations against regulations on connection to private telecommunications networks**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to comply with regulations on connection of a private telecommunications network to the public telecommunication network;
- b) Failing to meet technical regulations/standards for public telecommunications network when making connection of a private telecommunications network to the public telecommunication network;
- c) Making connection between private telecommunications network and public telecommunication network without signing a connection contract.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for making direct connection between private telecommunications networks without obtaining a written approval from a competent telecommunications authority.

3. Additional penalties:

The license to establish private telecommunications network shall be suspended for a fixed period of 10 - 12 months in case of commission of the violation in Clause 2 of this Article.

### **Article 38. Violations against regulations on telecommunications infrastructure sharing**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for sharing telecommunications infrastructure without signing contract.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Performing sharing of technical infrastructure facilities serving interconnection without entering into a lease of technical infrastructure facilities;

b) Failing to share technical infrastructure facilities as prescribed;

c) Failing to comply with internal regulations on safety and confidentiality of the telecommunications enterprise that shares technical infrastructure facilities;

d) Failing to give a notification to the telecommunications enterprise that shares technical infrastructure facilities before implementing the plan on installation, operation, maintenance or repair of connection equipment within the scope of connection places.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failing to provide other telecommunications enterprises with technical information on essential facilities and commercial information necessary to provide telecommunications services.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failing to implement decisions on telecommunications infrastructure sharing issued by competent telecommunications authorities.

### **Article 39. Violations against regulations on formulation and implementation of plans on passive telecommunications plants**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to make public disclosure or announcement of the approved passive telecommunications infrastructure plan;



b) Failing to provide sufficient data about passive telecommunications infrastructure facilities in local area at the request of a competent authority.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to implement important telecommunications investment projects in connection with the national security or which are going to be used as points of public telecommunications services after such projects have been approved and land for such projects has been allocated by competent authorities;

b) Failing to implement the approved passive telecommunications infrastructure plan;

c) Failing to develop database and maps for updating existing conditions of passive telecommunications infrastructure facilities.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to submit the local passive telecommunications infrastructure plan to the provincial People's Committee for approval;

b) Failing to cooperate or make financial contributions to perform undergrounding, renewal of telecommunications cables and reorganization of antenna system in local area.

#### **Article 40. Violations against regulations on design, construction and use of telecommunications plants**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failing to notify the date of commencement of construction; failing to submit the copy of the license to build passive telecommunications infrastructure facilities (where such license is compulsory) to a competent authority by the prescribed deadline.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to design or install telecommunications cable systems or access points in apartment buildings, office buildings or hotels;

b) Failing to allocate spaces for installing antenna masts or transmitters and receivers in apartment buildings, office buildings, hotels or public buildings in case such installation is technically feasible;

c) Failing to have passive telecommunications infrastructure when creating fundamental designs of transport, power supply, public lighting, water supply and drainage infrastructure works and other technical infrastructure works;

d) Failing to comply with the rule for using passive telecommunications infrastructure facilities that service users have the rights to select telecommunications service providers in buildings, public buildings, traffic works, industrial parks, export processing zones, hi-tech zones and urban areas;

dd) Illegally obstructing the implementation of approved passive telecommunications infrastructure plans;

e) Failing to notify competent authorities in writing of the date of commencement of construction of passive telecommunications infrastructure facilities as prescribed.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failing to provide land areas/sites within traffic works, industrial parks, export processing zones, hi-tech parks or urban areas for building passive telecommunications infrastructure facilities.

#### **Article 41. Violations against regulations on shared use of telecommunications infrastructure**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

a) Illegally obstructing the installation of telecommunications cables alongside streets, pavements, bridges, culverts and traffic routes;

b) Illegally obstructing the installation of telecommunications cables on utility poles at areas where it is unable to perform undergrounding or build separate telecommunications cable posts;

c) Illegally obstructing the installation of telecommunications cables and/or equipment at underground public works, underground traffic works, central underground technical works, underground items of ground constructions, underground pipe, wiring, cable works, technical trenches and routes.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to plan, design or build the shared technical infrastructure for installing telecommunications cables and equipment in conformity with the approved passive telecommunications infrastructure plan;

b) Setting rental of public technical infrastructure facilities for installing telecommunications cables and equipment against regulations;

c) Arranging or installing telecommunications lines, cables and pipes on shared technical infrastructure facilities without identification signs or at improper positions or without meeting relevant technical requirements.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for improperly implementing regulations on shared use of telecommunications infrastructure.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failing to comply with regulations on shared use of telecommunications infrastructure.

#### **Article 42. Violations against regulations on safety of telecommunications infrastructure**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to develop technical and operational systems to ensure information safety and security as regulated;

b) Failing to instruct Internet agencies, public Internet access points, and points of public electronic gaming services to adopt measures for ensuring information safety and security;

c) Failing to formulate, promulgate and implement internal operating regulations; procedures for operation, provision and use of services, and regulations on cooperation with the Ministry of Information and Communications and the Ministry of Public Security in ensuring information safety and security.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Improperly implementing regulations on safety of telecommunications infrastructure and information security;

b) Failing to adopt measures for ensuring safety of telecommunications infrastructure and information security;

c) Failing to formulate or implement measures or plans for protecting, preventing and coping with acts infringing the safety of important telecommunications works in connection with national security as regulated.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Causing failure of cable lines, antenna systems or equipment of transmission systems, switching systems and other telecommunications equipment of fixed public telecommunications network, land mobile network, fixed- and mobile-satellite telecommunications networks, public marine radio network and national domain name servers (DNS);

b) Illegally accessing computer networks, fixed public telecommunications network, land mobile network, fixed- and mobile-satellite telecommunications networks, private telecommunications

network, dedicated telecommunications network or other subscriber lines if not liable to criminal prosecution;

c) Illegally obstructing the operation of Vietnam National Internet eXchange (VNIX);

d) Illegally obstructing members of VNIX and/or their customers in exchanging Internet traffic via VNIX;

dd) Failing to perform cooperation, connection and/or routing for ensuring safe and stable operation of the national DNS of Vietnam (".vn").

4. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

a) Sabotaging radio infrastructure systems or illegally obstructing the lawful construction of radio infrastructure systems;

b) Destroying, causing damage to or deterioration of radio-frequency monitoring systems, antenna systems or equipment of radio-frequency monitoring systems;

c) Illegally obstructing the operation of the national DNS of Vietnam (".vn").

5. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for the commission of one of the following violations:

a) Destroying, causing damage to or deterioration of telecommunications plants, or misusing the network, equipment, software and/or hardware tools for obstructing or causing interference or disturbance to normal operations of computer networks, telecommunications networks and digital devices;

b) Failing to arrange portals or other necessary technical conditions for ensuring information safety and security at the request of the Ministry of Information and Communications and/or the Ministry of Public Security;

c) Failing to prevent or suspend the supply of telecommunications services in case of riot, disturbance or use of telecommunications services for infringing upon national security or opposing the Government of the Socialist Republic of Vietnam.

6. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for failing to comply with decisions to requisition a part or entire of telecommunications infrastructure facilities in case of emergencies according to law regulations on national defense and security, and emergency.

7. Additional penalties:

The telecommunications license shall be suspended for a fixed period of 12 – 18 months in case of commission of the violation in Clause 6 of this Article.

8. Remedial measures:

Enforced restoration of the initial state which has been changed due to the commission of the violation in Point a or b Clause 3, Point a or b Clause 4, or Point a Clause 5 of this Article.

**Section 5. VIOLATIONS AGAINST REGULATIONS ON TELECOMMUNICATIONS AND INTERNET RESOURCES**

**Article 43. Violations against regulations on telecommunications numbering scheme, management and use of telecommunications numbers**

1. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failing to return assigned telecommunications numbers when they are not used anymore.
2. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for using assigned telecommunications numbers against decisions to assign telecommunications numbers or regulations on management and use of telecommunications numbers.
3. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for using telecommunications numbers after a decision on revocation of such telecommunications numbers has been made.
4. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for using telecommunications numbers which are not included in the telecommunications numbering scheme or when they are not yet assigned.

5. Remedial measures:

- a) Enforced revocation of telecommunications numbers in case of commission of one of the violations in this Article;
- b) Enforced return of benefits illegally obtained from the commission of the violation in Clause 2, 3 or 4 of this Article.

**Article 44. Violations against regulations on registration and use of Internet domain names**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:
  - a) Sending a notification lacking any required information about international domain name registrants to the Ministry of Information and Communications;

b) Failing to provide updated information as prescribed in case of changes in contact information of domain name registrants;

c) Failing to provide information about domain names or failing to cooperate with competent authorities when requested;

d) Failing to use “.vn” domain name of Vietnam or failing to store information on servers with IP addresses in Vietnam by licensed online newspapers, websites, web portals and social networking sites.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to notify the use of international domain names to the Ministry of Information and Communications;

b) The owner of a registered “.vn” domain name allows entities other than its members or any other authorities/entities to use subdomains below its registered domain name;

c) Providing inaccurate or false information when registering a domain name;

d) Impersonating another entity or individual to carry out domain name registration.

3. Remedial measures:

Enforced revocation of domain names in case of commission of the violation in Point b, c or d Clause 2 of this Article.

#### **Article 45. Violations against regulations on Internet domain name registration and maintenance services**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failure by an international domain name registrar in Vietnam to instruct international domain name registrants to give online notification of required information and any changes in their notified information to the Ministry of Information and Communications;

b) Failure by an international domain name registrar in Vietnam to submit online updated list of international domain names under its management to the Ministry of Information and Communications;

c) Failing to formulate or publish forms and procedures for domain name registration on its website;

d) Failing to instruct organizations and individuals to comply with regulations on registration and use of domain names;

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Failure by a ".vn" domain registrar to adopt measures for ensuring safety and security of registered domain names on its DNS;

b) Appropriation, obstruction or attempt by a ".vn" domain registrar to obstruct the lawful registration of domain name;

c) Illegally obstructing an entity's change of its/his/her ".vn" domain registrar;

d) Insufficiently or inaccurately retaining documents on domain name registration or changes in registered information provided by its service users;

dd) Providing inaccurate information for a competent authority that handles matters concerning domain names under its management.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Failure by a provider of domain name registration/maintenance services to retain information about its service users;

b) Failing to provide information or cooperate with a competent authority in handling matters concerning domain names under its management;

c) Failing to stop providing services at the request of a competent authority in case there is a violating international domain name;

d) Failing to adopt measures for ensuring safe backups of ".vn" domain name data;

dd) Failing to use a primary DNS with ".vn" domain name of Vietnam when rendering DNS services.

4. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

a) Providing international domain name registration services in Vietnam when being not an Accredited Registrar of the Internet Corporation for Assigned Names and Numbers (ICANN) or without a contract signed with an ICANN – Accredited Registrar;

b) Failing to submit reports to the Ministry of Information and Communications when providing international domain name registration services in Vietnam;

- c) Provision of international domain name registration services in Vietnam by an entity that is not an enterprise duly established under the law of Vietnam;
- d) Providing “.vn” domain name registration and maintenance services without being certified as a “.vn” domain registrar or without entering into an agency contract with a domestic “.vn” domain registrar.

#### **Article 46. Violations against regulations on registration and use of IP addresses and ASNs**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Carrying out routing of IP address zones that fall outside of the list of IP addresses under the management of the Ministry of Information and Communications, except for connection to international gateways;
- b) Producing or importing equipment and/or software programs capable of Internet connection against regulations on or roadmap for application of IPv6 technology (new IP address);
- c) Failing to notify changes in contact information when applying for IP address registration;
- d) Failing to provide and update information used for IP address zones and ASNs which have been assigned at the request of the Ministry of Information and Communications;
- dd) Failing to cooperate with competent authorities in verifying and dealing with IP addresses and ASNs assigned when they are involved in violations against law.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to send report on receipt and use of IP addresses and ANSs directly from international organizations to the Ministry of Information and Communications;
- b) Failing to return assigned IP addresses/ASNs which are no longer used;
- c) Failing to carry out the routing or suspend the promotion of IP addresses and ASNs at the request of the Ministry of Information and Communications.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Carrying out routing or using IP address zones/ASNs assigned or distributed to other entities without their permission;
- b) Failing to stop using IP address zones/ASNs which are subject to a revocation decision;



c) Re-distributing IP address zones/ASNs without obtaining eligibility as an Internet service provider.

4. Remedial measures:

a) Enforced return of IP address zones/ASNs to international organizations in case of commission of the violation in Point a Clause 2 of this Article;

b) Enforced revocation of IP address zones/ASNs in case of commission of the violation in Point b Clause 2 of this Article.

**Article 47. Violations against regulations on registration and assignment of new generic top-level domain name (New gTLDs)**

1. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Carrying out procedures for registration of New gTLD with ICANN without obtaining written opinions from the Ministry of Information and Communications;

b) Failing to send a written notification to the Ministry of Information and Communications after a New gTLD has been officially transferred by ICANN.

2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to notify the Ministry of Information and Communications of assignment of lower-level domain names below New gTLD to organizations or individuals other than member units or affiliated individuals of the agency or organization that has registered that New gTLD;

b) Assigning lower-level domain names below New gTLD against regulations on management of Internet resources.

3. Additional penalties:

The violating entity's operation shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Point a Clause 1 or Clause 2 of this Article.

**Article 48. Violations against regulations on transfer and leasing of telecommunications numbers**

1. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to send a written notification of leasing of telecommunications subscriber numbers, which must be accompanied by the lease agreement of telecommunications subscriber numbers

or contract for purchasing of telecommunications services, or failing to send such written notification by the prescribed deadline to the competent telecommunications authority;

b) Failing to notify the competent telecommunications authority of termination of the lease agreement of telecommunications subscriber numbers, or contract for purchasing of telecommunications services, by the prescribed deadline;

c) Failing to comply with the request of a competent telecommunications authority for suspension of the lease agreement of telecommunications subscriber numbers or contract for purchasing of telecommunications services;

d) Entering in a lease agreement of telecommunications subscriber numbers or contract for purchasing of telecommunications services that lacks one of required contents;

dd) Transferring or receiving transfer of the rights to use telecommunications numbers assigned via auction without obtaining a written approval from the Ministry of Information and Communications.

2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

a) Leasing telecommunications subscriber numbers without reselling telecommunications services;

dd) Transferring or receiving transfer of the rights to use telecommunications numbers assigned without auction;

c) Transferring the rights to use telecommunications numbers when failing to get the lawful rights to use such telecommunications numbers;

d) Receipt of transfer of the rights to use telecommunications numbers by an organization or individual that is not licensed or is ineligible to invest, operate and use of such telecommunications numbers;

dd) Failing to notify a competent telecommunications authority in writing of termination of the lease agreement of telecommunications subscriber numbers, or contract for purchasing of telecommunications services.

3. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

a) Leasing telecommunications subscriber numbers without obtaining a telecommunications license which allows the lessee or lessor to provide telecommunications services of same type;

b) Leasing telecommunications subscriber numbers for a period in excess of the remaining validity of the telecommunications license of the lessee or lessor;

c) Leasing telecommunications subscriber numbers against the telecommunications numbering scheme or regulations on management and use of telecommunications numbers.

4. Additional penalties:

The telecommunications license shall be suspended for a fixed period of 10 - 12 months in case of commission of the violation in Point dd Clause 1 or Clause 2 of this Article.

5. Remedial measures:

a) Enforced restoration of the initial state which has been changed due to the commission of any of the violations in Points a, b, c and d Clause 2 of this Article;

b) Enforced return of benefits illegally obtained from the commission of any of the violations in Point c and dd Clause 1, Points a, b, c and d Clause 2 and Clause 3 of this Article.

**Article 49. Violations against regulations on auction of rights to use telecommunications numbers**

1. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failing to make full payment of the successful bid according to the specified method, time and location.

2. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for the commission of one of the following violations:

a) Providing inaccurate information to be eligible to participate in auction of the rights to use telecommunications numbers;

b) Failing to perform one of contents in the written commitment after winning at the auction of the rights to use telecommunications numbers.

3. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for entering into collusion between bidders or participants in the auction of the rights to use telecommunications numbers.

4. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for organizing an auction of the rights to use telecommunications numbers but failing to get the lawful rights to use such telecommunications numbers.

5. Remedial measures:

a) Enforced invalidation of auction results in case of commission of any of the violations in Clauses 1, 3 and 4 of this Article;

b) Enforced revocation of assigned telecommunications numbers in case of commission of any of the violations in Clauses 2, 3 and 4 of this Article;

c) Enforced return of benefits illegally obtained from the commission of any of the violations in Clauses 2, 3 and 4 of this Article.

**Article 50. Violations against regulations on transfer and auction of rights to use Internet resources**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:
  - a) Failing to make full payment of the successful bid according to the specified method, time and location;
  - b) Transferring the rights to use Internet domain name against transfer procedures.
2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:
  - a) Transferring the rights to use “.vn” domain name which is not allowed to be transferred;
  - b) Transferring the rights to use Internet resources but failing to get the lawful rights to use such Internet resources.
3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:
  - a) Providing inaccurate information to be eligible to participate in auction of the rights to use Internet resources;
  - b) Entering in collusion between participants in auction of the rights to use Internet resources;
  - c) Transferring the rights to use “.vn” domain names assigned via auction without obtaining a written approval from the Ministry of Information and Communications;
  - d) Failing to perform one of contents in the written commitment after winning at the auction of the rights to use Internet resources.
4. Remedial measures:
  - a) Enforced making of full payment of successful bid of the auction of the rights to use Internet resources in case of commission of the violation in Point a Clause 1 of this Article;
  - b) Enforced return of benefits illegally obtained from the commission of any of the violations in Clause 2 and 3 of this Article;
  - c) Enforced revocation of Internet resources in case of commission of the violation in Clause 3 of this Article;
  - d) Enforced invalidation of auction results in case of commission of the violation in Point a or b Clause 3 of this Article.

## **Section 6. VIOLATIONS AGAINST REGULATIONS ON TELECOMMUNICATIONS QUALITY**

### **Article 51. Violations against regulations on certification and declaration of conformity**

1. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for failing to retain documents on certification/declaration of conformity as prescribed.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Manufacturing/importing equipment included in the list of information technology and communications products subject to compulsory certification and declaration of conformity but failing to carry out procedures for certification or declaration of conformity or failing to place conformity marks on such equipment before they are sold on the market;

b) Manufacturing/importing equipment included in the list of information technology and communications products subject to compulsory declaration of conformity but failing to carry out procedures for declaration of conformity or failing to place conformity marks on such equipment before they are sold on the market;

c) Connecting equipment pieces which are included in the list of potentially unsafe telecommunications products to a public telecommunications network but failing to carry out procedures for certification/declaration of conformity and place conformity marks on such equipment pieces as prescribed;

d) Using a conformity mark which is not conformable with the adopted method of declaration of conformity or other than the registered template of conformity mark;

dd) Failing to carry out procedures for re-grant of certificate of conformity and declaration of conformity as prescribed;

e) Failing to supervise products certified to be conformable as prescribed.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to continuously maintain the certified or declared quality of equipment when manufacturing, importing or selling equipment in the list of information technology and communications products subject to compulsory certification and declaration of conformity or the list of information technology and communications products subject to compulsory declaration of conformity.

4. Remedial measures:

a) Enforced recall of products/equipment sold on the market in case of commission of any of the violations in Clause 2 of this Article;

b) Enforced repurposing, recycling or re-export of imports in case of commission of the violation in Clause 3 of this Article.

## **Article 52. Violations against regulations on provision of telecommunications figures**

1. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failing to provide telecommunications information/figures by the prescribed deadline or providing inadequate information/figures.
2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failing to provide accurate and complete figures as recorded on the telecommunications enterprise's technical system.
3. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for failing to establish or maintain operation of the transmission line which is used for providing telecommunications figures at the request of a competent telecommunications authority.

**Article 53. Violations against regulations on quality of telecommunications networks and services**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to meet the deadline for completing procedures for declaration of quality of telecommunications services which are included in the list of telecommunications services subject to compulsory quality management;
- b) Failing to regularly monitor the quality of all rendered telecommunications services which are included in the list of telecommunications services subject to compulsory quality management;
- c) Promulgating Regulation on self-inspection of quality of rendered telecommunications services which are included in the list of telecommunications services subject to compulsory quality management but such Regulation does not include all required contents as prescribed;
- d) Publishing or posting the declaration of quality of rendered telecommunications services which are included in the list of telecommunications services subject to compulsory quality management on the telecommunications enterprise's website or its transaction locations or POSs but such published or posted declaration of quality does not match with the one included in the set of documents on declaration of quality of telecommunications services submitted to the competent telecommunications authority.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to make declaration of quality according to standards voluntarily applied to telecommunications services which are not included in the list of telecommunications services subject to compulsory quality management on the telecommunications enterprise's website;
- b) Failing to publish or post the declaration of quality of rendered telecommunications services which are included in the list of telecommunications services subject to compulsory quality

management on the telecommunications enterprise's website or its transaction locations or points of public telecommunications services as prescribed;

c) Failing to promulgate Regulation on self-inspection of quality of rendered telecommunications services which are included in the list of telecommunications services subject to compulsory quality management as prescribed;

d) Failing to create a service quality management item on the telecommunications enterprise's website;

dd) Failing to submit periodical or ad hoc reports on quality of telecommunications services by the deadlines prescribed or requested by competent authorities;

e) Improperly or insufficiently retaining figures/documents used for making reports on quality of telecommunications services;

g) Failing to provide sufficient and accurate documents/figures to serve the inspection of quality of telecommunications services;

h) Improperly or insufficiently performing contents of self-inspection of quality of telecommunications services as prescribed;

i) Failing to keep adequate reports on periodical self-inspection of quality of telecommunications services and reports on self-measurement of quality indicators of each telecommunications service and all supporting documents/figures as prescribed;

k) Failing to publish accurate and adequate information to be published by a telecommunications enterprise on its service quality management item as prescribed.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to make declaration of quality according to National technical regulations for telecommunications services which are included in the list of telecommunications services subject to compulsory quality management;

b) Failure to re-make and meet the deadline for completing procedures for declaration of quality of telecommunications services which are included in the list of telecommunications services subject to compulsory quality management in case relevant national technical regulations are amended or the telecommunications enterprise makes changes related to declared contents;

c) Failing to submit periodical reports by the prescribed deadlines or failing to submit ad hoc reports on quality of telecommunications services at the request of a competent telecommunications authority;

- d) Failing to retain figures/documents used for making reports on quality of telecommunications services for a prescribed period;
- dd) Retained figures/documents used for making reports do not match with those submitted to the competent telecommunications authority;
- e) Failing to provide documents/figures to serve the inspection of quality of telecommunications services;
- g) Failing to provide technical assistance for competent authorities in accessing the telecommunications enterprise's systems for verification of figures;
- h) Failing to carry out the self-inspection of quality of telecommunications services as prescribed;
- i) Failing to keep reports on periodical self-inspection of quality of telecommunications services and reports on self-measurement of quality indicators of each telecommunications service and all supporting documents/figures for a prescribed period;
- k) Failing to publish information to be published by a telecommunications enterprise on its service quality management item as prescribed.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing a telecommunications service with a quality indicator lower than the declared one;
- b) Failing to make declaration of quality or failing to inspect/control quality of telecommunications networks and services which are included in the list of telecommunications networks and services subject to compulsory quality management.

5. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for providing a telecommunications service with two or more quality indicators lower than the declared ones.

#### **Article 54. Violations against regulations on inspection of telecommunications equipment and radio stations**

1. A fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to post the copy of the inspection certificate at the place where the telecommunications equipment or radio station is installed;
- b) Failing to post the Declaration of the base transceiver station (BTS) which is not included in the list of telecommunications equipment and radio stations subject to mandatory inspection.



2. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to conduct timely re-inspection of telecommunications equipment or radio station whose inspection certificate is expiring;
- b) Failing to conduct irregular inspection in a timely manner of telecommunications equipment or radio station which has been inspected in case there are changes in excess of permitted safety limits specified in the inspection certificate or such telecommunications equipment or radio station is no longer conformable with national technical regulations;
- c) Failing to submit reports to the inspection body that has issued the inspection certificate on changes in the telecommunications equipment or radio station by the prescribed deadline.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Using telecommunications equipment or radio station with an expired inspection certificate;
- b) Failing to conduct inspection of telecommunications equipment or radio station which is included in the list of telecommunications equipment and radio stations subject to mandatory inspection before they are put into operation;
- c) Failing to submit reports on inspection as prescribed.

## **Section 7. VIOLATIONS AGAINST REGULATIONS ON TELECOMMUNICATIONS SERVICE CHARGES AND PROMOTIONS**

### **Article 55. Violations against regulations on telecommunications service charges**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failing to publicly post telecommunications service charges.

2. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to meet the prescribed deadline for reporting on prime costs of telecommunications services to competent authorities;
- b) Submitting a report on prime costs of telecommunications services which does not contain adequate information as prescribed.

3. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to give notification of telecommunications service charges set by the telecommunications enterprise to competent telecommunications authorities as prescribed;
- b) Charging telecommunications services which are included in the list of telecommunications services whose charges must be registered before completing procedures for registration of such telecommunications service charges with a competent telecommunications authority as prescribed or before obtaining an approval for such telecommunications service charges from a competent telecommunications authority;
- c) Setting up telecommunications services with charges which are not conformable with the ones registered or notified to the competent telecommunications authority;
- d) Failing to submit the pricing plan for telecommunications services whose charges are set by the Government;
- dd) Failing to submit the plan on exemption and reduction of service charges serving the performance of public-utility telecommunications tasks to the Ministry of Information and Communications;
- e) Failing to issue decision on charges for telecommunications services rendered.

4. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for the commission of one of the following violations:

- a) Imposing service charges, price bracket of public-utility telecommunications services and/or connection charges other than those decided by the Ministry of Information and Communications;
- b) Giving exemption from or reduction of service charges to serve the performance of public-utility telecommunications tasks before the Ministry of Information and Communications issues an exemption or reduction decision;
- c) Failing to carry out procedures with a competent telecommunications authority for registration of charges for telecommunications services which are included in the list of telecommunications services whose charges must be registered.

5. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for the commission of one of the following violations:

- a) Performing cross-subsidization between telecommunications services when determining the prime costs or charges for telecommunications services;
- b) Failing to comply with the charges for telecommunications services registered or notified to the competent telecommunications authority;

c) Providing telecommunications services with charges which are too low compared with the average market charges for telecommunications services regulated by the Ministry of Information and Communications;

d) Failing to implement measures for controlling/stabilizing telecommunications service charges at the request of competent authorities.

6. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to comply with the decision to suspend application of telecommunications service charges issued by the Ministry of Information and Communications;

b) Failing to submit reports on prime costs of telecommunications services to competent telecommunications authorities;

c) Failing to include a binding condition that the foreign partner must comply with the committed traffic volume in the contract signed with that foreign partner or charging incoming international calls too low or entering into negotiation, transfer pricing or discounting resulting in considerable reduction in charges for incoming international calls;

d) Imposition of charges for telecommunications services lower than prime costs by a telecommunications enterprise holding dominant market position.

7. Remedial measures:

Enforced return of benefits illegally obtained from the commission of any of the violations in Point c Clause 3, Point a Clause 4, Clause 5 and Clause 6 of this Article.

#### **Article 56. Violations against regulations on promotions of telecommunications services and specialized telecommunications products**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to implement the promotional program on the day announced;

b) Implementing the promotional program longer than total days announced;

c) Failing to apply the announced promotional value when implementing a promotional program;

d) Providing promotions to beneficiaries other than the ones announced;

dd) Implementing a promotional program whose contents are different from the ones announced.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Offering promotions of specialized telecommunications products/services while being not a telecommunications enterprise or rent by a telecommunications enterprise;
- b) Using types of telecommunications services/ specialized telecommunications products which are not included in the list of telecommunications services and specialized telecommunications products promulgated by the Ministry of Information and Communications;
- c) Giving promotion with the promotional value of each telecommunications service or specialized telecommunications product or total value of promotional services/products in a promotional program exceeding maximum promotional limits prescribed by law;
- d) Giving promotion in the form of price discounts on telecommunications services/ specialized telecommunications products against law regulations;
- dd) Applying units of telecommunications services/specialized telecommunications products in promotional programs against law regulations;
- e) Failing to meet the prescribed deadline for registration of price discounts on telecommunications services which are included in the list of telecommunications services whose charges must be registered with the Ministry of Information and Communications;
- g) Failing to implement the promotional program on the registered date;
- h) Implementing the promotional program longer than total days registered;
- i) Implementing a promotional program with the promotional value other than the one registered;
- k) Providing promotions to beneficiaries other than the ones registered;
- l) Implementing a promotional program whose contents are different from the ones registered;
- m) Failing to take back mobile subscriber numbers issued to clients for trial use of services.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

- a) Giving SIM cards or telephones equipped with subscriber numbers to clients who do not register for trial use of mobile communications services;
- b) Launching or providing SIM cards which have been topped up;
- c) Selling or giving sales promotion or discounts on SIM cards with a price lower than the prime cost of a blank SIM card plus activation fee;

- d) Failing to give notification of types and face values of recharge cards to the Ministry of Information and Communications before they are issued;
- dd) Providing trial mobile telecommunications services for clients who do not voluntarily register for trial use of services;
- e) Providing mobile telecommunications service to clients for free trial when the licensed trial duration expires or such service has been supplied on the market for more than 12 months;
- g) Providing mobile telecommunications service for trial for a period exceeding 01 month;
- h) Providing mobile telecommunications service to clients for free trial with total amount payable exceeding VND 100,000;
- i) Gifting of specialized mobile communications products or mobile communications services without selling of goods or supply of services;
- k) Selling goods or providing services with vouchers to buy SIM cards or telephones with mobile subscriber number available or to buy recharge cards;
- l) Giving a voucher for using mobile communications services which becomes effective before the contact duration, data volume or package used by the client equals those specified in the voucher to that client;
- m) Applying promotional programs for regular clients to ineligible entities.

4. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to send notification of promotional programs for specialized telecommunications products/services to competent authorities;
- b) Failing to carry out procedures for registration of promotional programs for specialized telecommunications products/services with competent authorities;
- c) Performing a promotional program for a type of telecommunications services/specialized telecommunications products associated with allowing clients to participate in a lucky draw program for a period exceeding the prescribed one;
- d) Giving discounts on a type of telecommunications services/specialized telecommunications products for a period exceeding the prescribed one;
- dd) Implementing promotional programs in the form of discounts on a type of telecommunications services/specialized telecommunications products or promotional programs for telecommunications services/specialized telecommunications products associated with

allowing clients to participate in lucky draw programs in a year with total duration of such programs exceeding the prescribed maximum duration in a year of such programs;

e) The charge for a mobile communications service rendered in a discount program by a mobile service provider holding a dominant market position is lower than the prime cost of that service registered with the Ministry of Information and Communications.

5. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for giving discounts on telecommunications services/specialized telecommunications products whose charges/prices are set by the Government or giving discounts on telecommunications services/specialized telecommunications products whose price bracket or floor prices are set by the Government resulting in charges/prices of such services/products lower than the prescribed floor prices.

6. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failing to implement the written decision to suspend a promotional program issued by a competent telecommunications authority.

7. Additional penalties:

The provision of new subscriber numbers shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Points b, c, d and dd Clause 1, Points c, d, dd, e, I, k and l Clause 2, Points b and c Clause 3, Clauses 4, 5 and 6 of this Article.

8. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Clause 6 of this Article.

## **Chapter IV**

### **ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON RADIO FREQUENCIES, PENALTIES AND REMEDIAL MEASURES**

#### **Section 1. VIOLATIONS AGAINST REGULATIONS ON LICENSING AND USE OF RADIO FREQUENCIES**

##### **Article 57. Violations against regulations on radio frequency licensing**

1. The following penalties and fines shall be imposed for failing to apply for re-issuance of license if it was lost, torn, burnt or otherwise destroyed:

a) A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed if the violation involves the license to use radio frequency (RF) and RF devices;

b) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if the violation involves the license to use satellite frequency and orbit;

c) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if the violation involves the license to use frequency band.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for deliberately forging or providing false information for obtaining a license to use RFs.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for erasing or altering contents of the license to use RFs.

4. Additional penalties:

The license to use RFs shall be confiscated in case of commission of the violation in Clause 2 or 3 of this Article.

5. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Clause 2 of this Article.

#### **Article 58. Violations against regulations on use of RFs and RF devices**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to place antennas of radio transmitters at proper positions or installing radio transmitters at locations other than the ones specified in the license to use RFs and RF devices within a provide or central-affiliated city;

b) Using RFs against the license in terms of name of organization or individual licensed to use RFs and RF devices, call signs or identifications, operating hours, transmitting antenna, purposes, communications subjects, type of networks.

2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for the commission of one of the following violations:

a) Using radio stations installed on fishing vessels or wireless radio broadcasting stations without the license;

b) Using a mobile radio station of an internal radiocommunication network without the license;

c) Failing to use proper frequencies specified in the license to use RFs and RF devices for radio stations installed on fishing vessels and mobile radio stations of an internal radiocommunication network;

d) Failing to place antennas of radio transmitters at proper positions or installing radio transmitters at locations other than the ones specified in the license to use RFs and RF devices outside a provide or central-affiliated city;

dd) Performing service or adopting transmitting method other than those specified in the license to use RFs;

e) Usage of RFs by an entity other than the one specified in the license to use frequency bands or license to use satellite frequency and orbit.

3. The following fines shall be imposed for using RFs and RF devices without a valid license or when a competent authority has made a decision to revoke the license or a written request for suspension of use of RFs/RF devices:

a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if the violation involves RF devices with transmitting capacity not exceeding or equal to 15W;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 15W but not exceeding or equal to 100W;

c) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 100W but not exceeding or equal to 500W;

d) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 500W but not exceeding or equal to 1kW;

dd) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 1kW but not exceeding or equal to 5kW;

e) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 5kW but not exceeding or equal to 10kW;

g) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 10kW but not exceeding or equal to 20kW.

4. The following penalties and fines shall be imposed for using RFs and RF devices with improper frequencies or transmitting capacity exceeding the one specified in the license:

a) A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed if the violation involves RF devices with transmitting capacity not exceeding or equal to 15W;



b) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 15W but not exceeding or equal to 100W;

c) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 100W but not exceeding or equal to 500W;

d) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 500W but not exceeding or equal to 1kW;

dd) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 1kW but not exceeding or equal to 5kW;

e) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 5kW but not exceeding or equal to 10kW;

g) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 10kW but not exceeding or equal to 20kW;

h) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the violation involves RF devices with transmitting capacity exceeding 20kW.

5. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for using satellite earth stations against the license to use RFs and RF devices.

6. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

a) Using frequency band and position of a satellite in an orbit against the license to use satellite frequency and orbit;

b) Failing to comply with the law of Vietnam, international agreements or international treaties relating to operation of certain RF devices installed on Vietnamese- or foreign-flagged aircrafts/vessels when they operate in the territory of Vietnam;

c) Using frequencies outside the licensed frequency band;

d) Having a maximum out-of-band radiation in excess of the limits specified in the license to use frequency bands;

dd) Having a maximum radiation out of the frequency coverage in excess of the limits specified in the license to use frequency bands;

e) Misusing RFs exclusively used for emergencies, distress and safety, search and rescue, national defense and security;

g) Using satellite earth stations without the license to use RFs and RF devices.

7. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for using frequency bands or using satellite frequency and orbit without a valid license.

8. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed failing to obtain a license when using RFs/RF devices with a capacity exceeding 20kW.

9. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed failing to obtain a license when using frequency bands.

10. Additional penalties:

a) The license to use RFs shall be suspended for a fixed period of 01 - 03 months in case of commission of any of the violations in Points c, d, dd Clause 2, Clause 4, Clause 5 of this Article;

b) The license to use RFs shall be suspended for a fixed period of 12 - 24 months in case of commission of the violation in Point a, c, d, dd or e Clause 6 of this Article;

c) The exhibits and instrumentalities used for committing the administrative violations in Points a and b Clause 2, Clause 3, Point g Clause 6, Clauses 7, 8 and 9 of this Article shall be confiscated.

#### **Article 59. Violations against regulations on auction of rights to use RFs**

1. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failing to make full payment of the successful bid according to the specified method, time and location.

2. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to perform committed contents after winning at the auction of rights to use RFs;

b) Entering into collusion between bidders or participants in the auction of rights to use RFs;

c) Deliberately forging or providing false information to be eligible to participate in the auction of rights to use RFs.

3. Additional penalties:

a) The license to use RFs shall be confiscated in case of commission of the violation in Point b or c Clause 2 of this Article;

b) The license to use RFs shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point a Clause 2 of this Article.

#### 4. Remedial measures:

Results of the auction of rights to use RFs must be invalidated in case of commission of any of the violations in Clause 1 and Clause 2 of this Article if there is no license issued.

### **Article 60. Violations against regulations on selection of qualified entities to use RFs**

1. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to perform one of contents of the written commitment after obtaining the license to use RFs through a formal selection;

b) Entering into collusion between applicants for the rights to use RFs through a formal selection;

c) Deliberately forging or providing false information to be eligible to apply for the rights to use RFs through a formal selection.

#### 2. Additional penalties:

The license to use RFs shall be suspended for a fixed period of 12 - 24 months in case of commission of the violation in Point a Clause 1 of this Article.

#### 3. Remedial measures:

Enforced invalidation of results of selection of qualified entities to use RFs in case of commission of any of the violations in Clause 1 of this Article.

### **Article 61. Violations against regulations on transfer of rights to use RFs**

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to obtain a written approval from the Ministry of Information and Communications when transferring rights to use RFs granted through auction;

b) Transferring rights to use RFs granted through auction within 03 years from the license issue date.

2. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for transferring rights to use RFs granted without auction.

3. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for providing false information or forging documents on transfer of rights to use RFs.

4. Additional penalties:

The license to use RFs shall be suspended for a fixed period of 01 - 03 months in case of commission of any of the violations in Clause 1 through 3 of this Article.

5. Remedial measures:

a) Enforced return of benefits illegally obtained from the commission of any of the violations in Clause 1 through 3 of this Article;

b) Enforced restoration of the initial state which has been changed due to the commission of any of the violations in Clause 1 through 3 of this Article.

#### **Article 62. Violations against regulations on lease and lending of RF devices**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for entering into a RF device lease/lending contract which lacks one of the required contents.

2. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to modify the signed RF device lease/lending contract upon the occurrence of changes in the license to use RFs and RF devices;

b) Failing to prepare a RF device lease/lending dossier as prescribed;

c) Failing to retain relevant documents during and after termination of the lease/ lending of RF devices as prescribed;

d) Failing to send the RF device lease/lending dossier to the local Regional Radio Frequency Center by the prescribed deadline.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Leasing or lending a RF device to an ineligible lessee or borrower;

b) Failure to prepare documents relating to the lease or lending of radio devices;

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to notify the local Regional Radio Frequency Center of modification or cancellation of the signed RF device lease/lending contract.

5. Remedial measures:

a) Enforced return of benefits illegally obtained from the commission of the violation in Point a Clause 3 of this Article;

b) Enforced restoration of the initial state which has been changed due to the commission of the violation in Point a Clause 3 of this Article.

### **Article 63. Violations against regulations on radio frequency sharing**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for the commission of one of the following violations:

a) Making conversations which do not serve the performance of public duties, proper entities and purposes specified in the license;

b) Making calls when the RF channel is in use by others, unless such calls are related to an emergency or human life and safety;

c) Using call signs other than those specified in the license to use RFs and RF devices;

d) Making a conversation for a continuous period of more than 05 minutes;

dd) Failing to use call signs to start and end a call.

2. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for the commission of one of the following violations:

a) Deliberately using backup frequencies when the main assigned frequency is interfered or in use by another individual or organization;

b) Deliberately collecting or using information received from other radio stations that use the same RF.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failing to use the codes issued by a RF management authority when using enciphered information.

4. Additional penalties:

The license to use RFs shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Clause 3 of this Article.

#### **Article 64. Violations against regulations on provision and use of license-exempt RF devices**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for failing to comply with technical and operational conditions when using license-exempt RF devices.
2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for manufacturing or importing RF devices which are included in the List of license-exempt RF devices but failing to complete procedures for certification and declaration of conformity before selling such RF devices on the market.
3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for manufacturing, importing or selling RF devices on the market but failing to maintain quality of such RF devices according to their technical and operational conditions.
4. Remedial measures:
  - a) Enforced recall of RF devices sold on the market in case of commission of the violation in Clause 2 or 3 of this Article;
  - b) Enforced repurposing, recycling or re-export of RF devices in case of commission of the violation in Clause 3 of this Article.

#### **Article 65. Violations against regulations on radio operator certificates**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for the commission of one of the following violations:
  - a) Failing to process a valid radio operator certificate directly operating RF devices of maritime or aeronautical mobile services or amateur RF devices;
  - b) Forging documents when applying for issuance, renewal or re-issuance of a radio operator certificate.
2. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for the commission of one of the following violations:
  - a) Assigning a person who does not possess a valid radio operator certificate or hold an inappropriate one to operate RF devices of maritime or aeronautical mobile services or amateur RF devices;
  - b) Using a radio operator certificate which has been erased or altered when operating RF devices of which the operator is required to have a professional radio operator certificate.
3. Additional penalties:

The radio operator certificate shall be confiscated in case of commission of the violation in Point b Clause 2 of this Article.

4. Remedial measures:

Enforced return of radio operator certificate in case of commission of the violation in Point b Clause 1 of this Article.

**Article 66. Violations against regulations on use of RFs and RF devices for emergencies**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for failing to notify a competent RF management authority after having temporarily used unlicensed RFs and RF devices for make emergency calls in emergencies that might danger to human life and property.

2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for failing to notify the testing for operation of RF devices on radio frequencies for emergencies.

**Article 67. Violations against regulations on RF planning**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for manufacturing or importing RF devices/devices using radio waves, which are intended to be used in Vietnam, against RF planning.

2. Remedial measures:

a) Enforced recall of domestically manufactured RF devices/devices using radio waves which are in used in case of commission of the violation in Clause 1 of this Article;

b) Enforced recycling or re-export of imported RF devices/devices using radio waves in case of commission of the violation in Clause 1 of this Article.

**Section 2. VIOLATIONS AGAINST REGULATIONS ON RADIO EMISSIONS, RF RADIATION PROTECTION AND ELECTROMAGNETIC COMPATIBILITY**

**Article 68. Violations against regulations on radio emission quality management**

1. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for using RF devices which are included in the list of RF devices capable of causing harmful interference but their quality does not meet quality requirements in corresponding national technical regulations on radio emission quality.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for manufacturing or importing RF devices which are included in the list of RF devices capable of causing harmful interference but failing to complete procedures for certification/declaration of conformity or placing conformity marks on such RF devices before they are sold on the market.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for manufacturing, importing or selling RF devices which are included in the list of RF devices capable of causing harmful interference but their quality does not meet quality requirements in corresponding national technical regulations as certified.

4. Additional penalties:

The exhibits and instrumentalities used for committing the administrative violation in Clause 1 of this Article shall be confiscated.

5. Remedial measures:

a) Enforced recall of RF devices sold on the market in case of commission of the violation in Clause 2 or 3 of this Article;

b) Enforced repurposing, recycling or re-export of RF devices in case of commission of the violation in Clause 3 of this Article.

#### **Article 69. Violations against regulations on management of RF radiation protection**

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for failing to meet corresponding technical regulations on RF radiation protection when using radio stations/devices using radio waves which are included in the list of RF devices/devices using radio waves that might produce harmful RF radiation.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for manufacturing or importing RF devices included in the list of RF devices/devices using radio waves that might produce harmful RF radiation but failing to complete procedures for certification/declaration of conformity or placing conformity marks on such RF devices before they are sold on the market.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for manufacturing, importing or selling RF devices included in the list of RF devices/devices using radio waves that might produce harmful RF radiation but their quality does not meet quality requirements in corresponding national technical regulations as certified.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for operating a radio station which is included in the List of radio stations subject to mandatory inspection of RF radiation with an expired inspection certificate.

5. Additional penalties:

The exhibits and instrumentalities used for committing the violation in Clause 1 of this Article shall be confiscated.

6. Remedial measures:



a) Enforced recall of RF devices in case of commission of the violation in Clause 2 or 3 of this Article;

b) Enforced repurposing, recycling or re-export of RF devices in case of commission of the violation in Clause 3 of this Article.

#### **Article 70. Violations against regulations on electromagnetic compatibility management**

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for failing to comply with regulations on electromagnetic compatibility management when using electrical and/or electronic devices which may emit RF radiation.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for manufacturing or importing electrical and/or electronic devices which may emit RF radiation and are included in the list of devices capable of creating potentially unsafe situations due to electromagnetic incompatibility but failing to complete procedures for certification/declaration of conformity or placing conformity marks on such RF devices before they are sold on the market.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for manufacturing, importing or selling electrical and/or electronic devices which may emit RF radiation and are included in the list of devices capable of creating potentially unsafe situations due to electromagnetic incompatibility but their quality does not meet quality requirements in corresponding national technical regulations as certified.

4. Additional penalties:

The exhibits and instrumentalities used for committing the administrative violation in Clause 1 of this Article shall be confiscated.

5. Remedial measures:

a) Enforced recall of electrical and/or electronic devices sold on the market in case of commission of the violation in Clause 2 or 3 of this Article;

b) Enforced repurposing, recycling or re-export of electrical and/or electronic devices in case of commission of the violation in Clause 3 of this Article.

### **Section 3. VIOLATIONS AGAINST REGULATIONS ON RESOLUTION OF HARMFUL INTERFERENCE PROBLEMS**

#### **Article 71. Violations against regulations on harmful interference**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for failure to comply with or insufficient implementation of regulations on RF radiation protection and electromagnetic compatibility management when using electrical device, electronic devices

and/or devices using radio waves which may emit RF radiation resulting in harmful interference caused to radio stations, radiocommunication networks and systems licensed to use RFs.

2. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for failure to comply with or insufficient implementation of regulations on RF radiation protection and electromagnetic compatibility management when using electrical device, electronic devices and/or devices using radio waves which may emit RF radiation causing harmful interference to radio stations, radiocommunication networks and systems licensed to use RFs.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to comply with technical regulations or regulations adopted by competent authorities when using RF devices causing harmful interference to:

a) Mobile telecommunications networks, private telecommunications network or internal radiocommunication networks; or

b) Broadcasting frequency channels or other lawful channels/frequencies for receiving and transmitting radio waves with a provincial scale.

4. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for use of RF devices against the issued license or regulations adopted by competent authorities causing harmful interference to:

a) Fixed public telecommunications network or land earth station;

b) Private telecommunications network, or broadcasting frequency channels or other lawful channels/frequencies for receiving and transmitting radio waves with a national scale; or

c) Public mobile telecommunications network, mobile-satellite telecommunications network or marine radiocommunication network.

5. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for use of RF devices against the issued license or regulations adopted by competent authorities causing harmful interference to:

a) Private telecommunications network, dedicated telecommunications network or broadcasting frequency channels or other lawful channels/frequencies for receiving and transmitting radio waves with an international scale; or

b) Frequencies for calls, watch duty, search and rescue, disaster preparedness and control, domestic and international reference signals.

6. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Deliberately using radio transmitters to cause harmful interference which obstructs operation of licensed radiocommunication networks and systems;
- b) Failing to comply with a competent authority's request for implementation of necessary technical measures for resolving harmful interference caused by used radio transmitters;
- c) Failing to implement measures for resolving harmful interference as prescribed or at the request of a competent authority;
- d) Using jammers without the permission by the Ministry of National Defence, Ministry of Public Security or the Prime Minister;
- dd) Providing false information and/or evidence concerning harmful interference to RF management authorities.

7. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for using RF devices which cause harmful interference to radio communications for navigation, distress and safety, search and rescue, national defense and security purposes after being requested to stop using such devices by a competent authority.

8. Additional penalties:

- a) The exhibits and instrumentalities used for committing any of the administrative violations in Clause 1 through 5, Points a, b, c and d Clause 6 and Clause 7 of this Article shall be confiscated;
- b) The license to use RFs shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Clause 4, Clause 5, Points a, b, c and d Clause 6 and Clause 7 of this Article.

#### **Section 4. VIOLATIONS AGAINST REGULATIONS ON INTERNATIONAL REGISTRATION AND COOPERATION IN SATELLITE FREQUENCIES AND ORBIT**

##### **Article 72. Violations against regulations on international registration for use of satellite frequencies and orbit**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to carry out procedures for international cooperation/registration for use of satellite frequencies and orbit in the following cases:

- a) Using RFs and RF devices that may cause harmful interference to radio operations of another State;
- b) Using radio frequencies for serving operation of international radiocommunication systems;

c) Using radio frequencies which have been assigned by an international authority to other States;

d) Using radio frequencies in case the cooperation is required according to international agreements or international treaties to which Vietnam is a signatory.

2. Additional penalties:

The license to use RFs shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Clause 1 of this Article.

**Article 73. Violations against regulations on international cooperation**

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failing to engage in international cooperation in satellite frequencies and orbit for satellite system or in RFs for terrestrial radiocommunication system with RF management authorities of other States in accordance with the law of Vietnam or regulations adopted by the International Telecommunication Union (ITU).

2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failing to obtain permission from the Ministry of Information and Communications when directly cooperating with foreign users of RFs/satellite orbit.

3. Additional penalties:

The license to use RFs shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Clause 1 or 2 of this Article.

**Chapter V**

**ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON INFORMATION TECHNOLOGY (IT), PENALTIES AND REMEDIAL MEASURES**

**Section 1. VIOLATIONS AGAINST REGULATIONS ON INFORMATION TECHNOLOGY APPLICATION AND DEVELOPMENT MEASURES**

**Article 74. Violations against regulations on IT development**

1. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for insufficiently publishing digital contents on products or their packaging as prescribed when manufacturing or providing complete digital content products.

2. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for failing to publish digital contents on products or their packaging as prescribed when manufacturing or providing complete digital content products.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to obtain an approval from a competent authority when assigning, selling or transferring technologies/solutions for developing key IT products funded by the State;
- b) Providing false information about domestically manufactured IT products/services with the aims of getting priority in investment/procurement using funding from state budget;
- c) Providing false information to be eligible to engage in key IT product development programs funded by the State;
- d) Performing fraudulent acts in organization of examinations and issuance of certificates of completion of training in IT application by foreign institutions for using in Vietnam.

4. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for failing to finish the construction of infrastructure facilities of a concentrated IT park on schedule.

5. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to properly operate the concentrated IT park according to its objectives, functions and duties;
- b) Failing to satisfy or to maintain the satisfaction of all criteria for a concentrated IT park during its operation.

6. Additional penalties:

The decision on accreditation of certificates of completion of training in IT application issued by foreign institutions for using in Vietnam shall be confiscated in case of commission of the violation in Point d Clause 3 of this Article.

7. Remedial measures:

Enforced return of benefits illegally obtained from the commission of any of the violations in Points a and d Clause 3, Points a and c Clause 5 of this Article.

## **Article 75. Violations against regulations on infrastructure facilities serving IT application and development**

1. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for infringing on legitimate rights and interests of database owners or obstructing owners in using their database when re-manufacturing, distributing, promoting, transmitting and/or providing component contents of database.

2. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for sabotaging information infrastructure or cyberinformation.

3. Remedial measures:

a) Enforced return of benefits illegally obtained from the commission of the administrative violation in Clause 1 of this Article;

b) Enforced restoration of initial state which has been changed due to the commission of the violation in Clause 2 of this Article.

#### **Article 76. Violations against regulations on import, recycling and repair of used IT products in the List of goods banned from import**

1. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for the commission of one of the following violations:

a) Misusing used IT products which are included in the List of goods banned from import and imported for scientific research purposes;

b) Importing used IT products which are included in the List of goods banned from import;

c) Improperly implementing the plan or measures for waste and scrap disposal or failing to adopt a plan or measures for disposal of waste and scrap generated from the recycling/repair of used IT products which are included in the List of goods banned from import for foreign traders;

d) Recycling/repairing used IT products which are included in the List of goods banned from import for foreign traders without permission from the Ministry of Information and Communications.

2. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for failing to implement or failing to formulate a plan or measures for disposal of waste and scrap generated from the recycling/repair of used IT products which are included in the List of goods banned from import for foreign traders.

3. Remedial measures:

a) Enforced destruction or re-export of IT products in case of commission of any of the violations in Clause 1 and Clause 2 of this Article;

b) Enforced return of the written permission for recycling/repair of used IT products which are included in the List of goods banned from import for foreign traders in case of commission of the violation in Clause 2 of this Article.

#### **Article 77. Violations against regulations on protection of legitimate rights and interests of and support for users of IT products and services**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for using a false name or name of another entity when sending information in cyberspace.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to adopt measures for protecting children from harmful contents in cyberspace when rendering IT services;

b) Failing to give warning statements on IT products/services which have contents harmful to children.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Creating, installing or spreading computer viruses or other software programs that can damage digital devices of others;

b) Producing or supplying IT products/services that have pornographic or criminal contents, entice social evils or superstitions, or damage national good traditions and customs.

4. Additional penalties:

a) The exhibits and instrumentalities used for committing the administrative violation in Clause 3 of this Article shall be confiscated;

b) Foreigners who commit the violation in Clause 3 of this Article shall be deported from the territory of the Socialist Republic of Vietnam.

5. Remedial measures:

a) Enforced destruction of IT products/services in case of commission of the violation in Point b Clause 3 of this Article;

b) Enforced restoration of initial state which has been changed due to the commission of the violation in Point a Clause 3 of this Article.

## **Section 2. VIOLATIONS AGAINST REGULATIONS ON CYBERINFORMATION SECURITY**

### **Article 78. Violations against regulations on assurance of cyberinformation security and response to cyberinformation security incidents**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to publish addresses for receiving incident notifications on websites or web portals;
- b) Failing to provide documents/information about managed contact points for incident response, and human resources for cyberinformation security and incident response to the National coordination center;
- c) Failing to provide updated information about contact points for incident response by the prescribed deadline;
- d) Violating operational regulations of the national cyberinformation security incident response network or failing to comply with coordination orders given by the coordination center;
- dd) Failing to submit cyberinformation security incident reports to the managing body of the compromised information system, specialized incident response units of the same level and the National coordination center by the prescribed deadline upon detection of an incident.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to submit reports to the National coordination center upon the detection or reception of notification of an incident on a managed information system;
- b) Failing to respond to the sender of an incident notification or an incident initial report;
- c) Failing to immediately perform incident response actions and submit reports thereof as prescribed;
- d) Failing to carry out analysis, verification, preliminary assessment and classification of the incident, and then immediately perform incident response actions and submit reports thereof as prescribed;
- dd) Failing to send reports on the incident and incident response process and/or request for assistance in responding to the incident or re-assessment of the severity of the incident to the managing body of the compromised information system, the National coordination center and specialized incident response units of the same level.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to send consolidated reports on incident response actions at the request of the National coordination center;
- b) Failing to establish or assign a specialized incident response unit or failing to establish an incident response team as prescribed;



- c) Failing to record or receive notifications or reports on cyberinformation security incidents in according to adopted procedures;
- d) Failing to formulate a cyberinformation security incident response plan;
- dd) Failing to provide adequate information while the incident is still not yet handled thoroughly;
- e) Failing to prepare and submit 06-month and annual reports;
- g) Improperly complying with coordination orders for incident response of the National coordination center.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to appoint a contact point to engage in incident response cooperation or failing to participate in the national cyberinformation security incident response network;
- b) Failing to comply with coordination orders for incident response of the National coordination center;
- c) Failing to provide premises, gateways and other necessary technical conditions at the request of the Ministry of Information and Communications and/or the Ministry of Public Security;
- d) Failing to organize incident response activities in/within managed sectors/areas;
- dd) Failing to cooperate with the National coordination center, relevant service providers and regulatory authorities to recover the most necessary functions, data or connections to minimize damage to the information system or adverse influence on society;
- e) Refusing cooperation orders while the incident is still not yet handled thoroughly;
- g) Failing to handle negative impacts of the incident on the community, other authorities and organizations;
- h) Failing to store or provide information on managed subscriber IP addresses, servers, IOT devices, log files and domain name system (DNS) logs;
- i) Failing to provide space for installing monitoring/sampling devices and providing data flows;
- k) Failing to arrange 24/7 standing unit or failing to arrange personnel and material resources to cooperate and develop solutions for responding to and remedying consequences of incidents in case a cyberattack is determined to be originated from managed subscribers or at the request of the National coordination center.

**Article 79. Violations against regulations on safety and security of e-transactions using digital signature or digital certificate**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Illegally obstructing provision and use of digital signature certification services;
- b) Failing to keep confidentiality and security of retained identification information of applicants for digital certificates.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Stealing, cheating, impersonating, appropriating or illegally using secret keys of others;
- b) Failing to ensure security during creation and transfer of digital certificates to subscribers or failing to keep confidentiality of creation of key pairs for applicants for digital certificates;
- c) Creating key pairs by devices which fail to meet relevant technical regulations and compulsory standards;
- d) Failing to secretly retain information on identity and private keys of subscribers whose digital certificates are suspended;
- dd) Failing to keep confidentiality of private keys of subscribers upon their authorization.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Forging or instructing others to forge digital certificates;
- b) Failing to meet conditions to ensure security for digital certificates as prescribed;
- c) Using technical equipment and systems incapable of detecting and warning of illegal access and cyberattacks;
- d) Using a key distribution system which fails to ensure the integrity and security of key pairs;
- dd) Failing to adopt measures for controlling entrance to the headquarters or the place where the equipment serving the provision of digital signature certification services is located;
- e) Failing to adopt measures for controlling access to the digital signature certification system.

4. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to implement contingency plans for maintaining continuous and safe operation of the system and handling incidents when they occur;
- b) Stealing private keys of Vietnam National Root Certification Authority;
- c) Illegally revealing or providing private keys of Vietnam National Root Certification Authority;
- d) Illegally using private keys of Vietnam National Root Certification Authority;
- dd) Failing to obey or improperly executing the orders given by competent authorities according to law regulations on emergency or for ensuring national security.

#### **Article 80. Violations against regulations on illegal provision or use of information in cyberspace**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for decrypting, stealing and/or using passwords, cryptographic keys and information of other organizations/individuals in cyberspace.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Illegally accessing networks or digital devices of others to override such devices or change/delete information stored on such devices or change setting parameters or collect information of others;
- b) Infiltrating, altering or deleting information of other organizations/individuals in cyberspace;
- c) Obstructing the information system's provision of services;
- d) Preventing the access to information of other organizations/individuals in cyberspace, unless such prevention is permitted by law;
- dd) Causing insecurity or breaking confidentiality of information exchanged, transmitted or stored in cyberspace of other organizations/individuals.

3. Additional penalties:

Foreigners who commit the violation in Clause 1 or 2 of this Article shall be deported from the territory of the Socialist Republic of Vietnam.

#### **Article 81. Violations against regulations on appropriation of property using networks**

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for using means of online communication on the Internet or telecommunications networks to appropriate property worth less than VND 2,000,000.

2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

a) Illegally accessing the account of an organization or individual to appropriate their property which is worth less than VND 2,000,000;

b) Establishing systems or providing services of diverting international calls into local calls in order to cheat and appropriate property which is worth less than VND 2,000,000;

c) Stealing or illegally using information about another organization's or individual's bank account or card to appropriate or damage the account holder's or card holder's property or illegally pay for goods or services worth less than VND 2,000,000.

3. Additional penalties:

The exhibits and instrumentalities used for committing the administrative violation in Clause 2 of this Article shall be confiscated.

4. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Clause 1 or 2 of this Article.

## **Article 82. Violations against regulations on management of sending of information in cyberspace**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Sending commercial information to electronic addresses of recipients without their consent or when they have refused to receive such information;

b) Failing to provide recipients with measures for refusing to receive information.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Forging the information sender source;

b) Failing to provide necessary technical and professional conditions at the request of a competent authority.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failing to implement blocking or handling measures upon receiving notices that the sending of information violates law regulations.

**Article 83. Violations against regulations on prevention, detection, blocking and handling of malware**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to take measures for managing, preventing, detecting and stopping the spread of malware;
- b) Failing to submit reports to competent authorities on the enterprise's malware filtering system in the course of sending, receiving and storing information on its system as prescribed by law.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to establish a malware filtering system in the course of sending, receiving and storing information on the system of the enterprise providing email services or transmitting and storing information;
- dd) Failing to prevent or block or handle the spread of malware as instructed or requested by a competent authority;
- c) Failing to operate a technical and professional system for preventing, detecting, blocking and promptly handling malware.

**Article 84. Violations against regulations on collection and use of personal information**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Collecting personal information without obtaining the consent of its owner regarding the scope and purpose of collection and use of such information;
- b) Failing to refrain from providing personal information to a third party at the request of its owner.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to use the collected personal information for the agreed purposes or using it for the purposes other than the agreed ones without its owner's consent;

b) Providing or sharing or spreading the collected, accessed or controlled personal information to a third party without its owner's consent;

c) Illegally collecting, using, spreading or trading in personal information of others.

3. Remedial measures:

Enforced removal of personal information in case of commission of the violation in Point b Clause 1, or Point b or c Clause 2 of this Article.

### **Article 85. Violations against regulations on updating, alteration and removal of personal information**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to notify the owner of personal information of removal of stored information or failure to take appropriate measures for protecting their information for technical reasons.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to update, alter or remove stored personal information at the request of its owner or failing to grant the owners of personal information the right to access and update, alter or remove their personal information;

b) Failing to remove stored personal information when having accomplished their use purposes or the storage period has expired.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failing to implement managerial or technical measures for protecting personal information as prescribed.

### **Article 86. Violations against regulations on assurance of security of personal information in cyberspace**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for insufficiently implementing standards and technical regulations on assurance of cyberinformation security.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to implement standards and technical regulations on assurance of cyberinformation security.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failing to promptly take remedial and preventive measures when a cyberinformation security incident might occur.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failing to promptly take remedial and preventive measures when a cyberinformation security incident has occurred.

## **Article 87. Violations against regulations on measures for security supervision and protection of information systems**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to promulgate regulations on cyberinformation security assurance in designing, developing, managing, operating, using, updating or abolishing information systems.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to examine and supervise the compliance with regulations on cyberinformation security assurance or failing to assess the effectiveness of applied managerial and technical measures;
- b) Failing to cooperate with managing bodies of information systems in supervising the security of information systems at the request of competent authorities;
- c) Failing to execute, urge, examine and supervise the security assurance for information systems.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failing to adopt managerial or technical measures according to standards or technical regulations on cyberinformation security for preventing and combating risks of and remedying cyberinformation security incidents.

## **Article 88. Violations against regulations on security assurance for information systems by classification**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to make proposal for classification or failing to conduct appraisal and approval for proposals for classification as prescribed.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to have a plan for ensuring cyberinformation security appraised by a competent authority when establishing, expanding or upgrading the information system.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failing to carry out inspection of information security when establishing, expanding or upgrading a national important information system before this system is put into operation.

## **Article 89. Violations against regulations on cyberinformation security assurance for national important information systems**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to carry out periodical assessment of cyberinformation security risks;
- b) Failing to take standby measures for information systems;
- c) Failing to employ an appropriate professional organization to carry out inspection and assessment of information security and information security risks over the information system of class 3 or higher;
- d) Failing to carry out information security drills during the operation of the authority or organization as prescribed.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to develop and conduct drills in plans or measures for protection of national important information systems.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to participate in national or international drills organized by the Ministry of Information and Communications;
- b) Failing to cooperate in deploying equipment, connecting technical processor systems, minimizing network attacks, supporting the supervision of information security for the information systems providing online public services and developing e-government.

#### **Article 90. Violations against regulations on prevention of online information conflicts**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to notify and provide adequate information when detecting signs or acts of inflicting online information conflicts or when detecting damage to information or information system;
- b) Failing to receive or process notifications of online information conflicts for responding to incidents and preventing online information conflicts;
- c) Failing to cooperate with specialized agencies in tracing the precise source(s) of online information conflicts;
- d) Failing to cooperate with specialized agencies in eliminating online information conflicts.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to filter information at the request of a specialized agency or a reasonable request of the entities involved in online information conflicts;



b) Failing to block sabotaging information originating from the information system or failing to cooperate in determining sources, repulsing and remedying consequences of cyber-attacks carried out via the information systems of domestic and foreign organizations and individuals;

c) Failing to develop plans for settling conflicts in managed online information;

d) Failing to submit consolidated reports on settlement of online information conflicts to specialized agencies;

dd) Failing to cooperate in settling online information conflicts.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failing to settle conflicts in managed online information.

4. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for failing to provide timely and adequate information, evidences and proofs for tracing of online information conflicts.

5. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to cooperate in tracing online information conflicts or failing to rectify consequences thereof;

b) Failing to provide information, evidences and proofs for tracing of online information conflicts.

#### **Article 91. Violations against regulations on security assurance for telecommunications resources**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Improperly or insufficiently applying managerial and technical measures for preventing cyberinformation insecurity arising from managed frequencies, telecommunications numbers, domain names and Internet addresses;

b) Failing to provide information concerning telecommunications resource security at the request of a competent state authority;

c) Failing to provide adequate information at the request of a competent state authority or failing to cooperate in connection and routing to ensure the secure and stable operation of the national DNS of Vietnam.

2. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to apply managerial and technical measures for preventing cyberinformation insecurity arising from managed frequencies, telecommunications numbers, domain names and Internet addresses;
- b) Failing to cooperate in preventing cyberinformation insecurity arising from Internet resources or clients or failing to provide information at the request of a competent state authority or failing to cooperate in connection and routing to ensure the secure and stable operation of the national DNS of Vietnam.

## **Article 92. Violations against regulations on trading in cyberinformation security sector**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to manage documents on technical solutions and technologies of cyberinformation security products;
- b) Failing to establish, store and keep confidentiality of information about users of cyberinformation security products/services;
- c) Failing to submit reports to the Ministry of Information and Communications on trading, import and export of cyberinformation security products/services as prescribed.

2. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to carry out procedures for modification or amendment of the license to trade/provide cyberinformation security products/services in case the enterprise holding the license is renamed, replaces its legal representative or changes or adds its cyberinformation security products/services;
- b) Failing to carry out procedures for re-issuance of the license to trade/provide cyberinformation security products/services in case the license is lost or otherwise damaged;
- c) Failing to refuse to provide cyberinformation security products/services when detecting users' breach of agreed commitments on use of cyberinformation security products/services;
- d) Failing to suspend or terminate the provision of cyberinformation security products/services at the request of a competent state authority;
- dd) Failing to carry out procedures for certification or declaration of conformity and place conformity marks on cyberinformation security products before selling them on the market as prescribed;
- e) Providing cyberinformation security services against the license.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to maintain the satisfaction of eligibility requirements for the license to trade/provide cyberinformation security products/services;
- b) Failing to cooperate and facilitate competent authorities' performance of professional measures upon their requests.

4. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for the commission of one of the following violations:

- a) Trading/providing cyberinformation security products/services without a valid license;
- b) Trading/providing cyberinformation security products/services which cause harm to national defense and security or social order and safety.

5. Additional penalties:

The license to trade/provide cyberinformation security products/services shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Point c, d or e Clause 2, Point b Clause 3 or Point b Clause 4 of this Article.

6. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Point c, d, dd or e Clause 2 or Clause 4 of this Article.

### **Article 93. Violations against regulations on import of cyberinformation security products**

1. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to obtain a valid license when importing cyberinformation security products which are included in the list of goods requiring import license;
- b) Providing inaccurate or false information when applying for the license to import cyberinformation security products.

2. Additional penalties:

The license to import cyberinformation security products shall be confiscated in case of commission of the violation in Point b Clause 1 of this Article.

3. Remedial measures:

- a) Enforced return of benefits illegally obtained from the commission of any of the violations in Clause 1 of this Article;
- b) Enforced re-export of imported cyberinformation security products in case of commission of any of the violations in Clause 1 of this Article;
- c) Enforced recall of cyberinformation security products in case of commission of any of the violations in Clause 1 of this Article.

### **Section 3. VIOLATIONS AGAINST REGULATIONS ON ANTI-SPAM AND PROVISION OF CONTENT SERVICES**

#### **Article 94. Violations against regulations on emails and messages providing product/service-related information**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for providing contact telephone numbers on advertising boards hung, placed or glued, or drawing advertising products on utility poles, traffic signal poles, walls, trees or in public places.
2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:
  - a) Sending promotional emails/messages to recipients without their content;
  - b) Improperly or insufficiently labeling promotional emails/messages as prescribed.
3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:
  - a) Failing to label promotional emails/messages as prescribed;
  - b) Failing to retain information on registration of receipt of promotional emails/messages, refusals to receive promotional emails/messages and confirmations thereof;
  - c) Sending promotional emails/messages or online messages before obtaining a management code or using a management code other than the one granted by the Ministry of Information and Communications.
4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:
  - a) Failing to provide free of charge mechanism for receiving and handling notifications of spam emails;
  - b) Failing to adopt measures to prevent loss and wrong blocking of emails of service users;

- c) Failing to cooperate with domestic and foreign Internet service providers/domestic and foreign messaging service providers in mitigating and preventing spam emails;
- d) Failing to immediately reply to or failing to comply with statutory requirements for replying to refusals to receive emails/messages;
- dd) Failing to adopt measures for limiting the messaging quantity, speed and frequency;
- e) Failing to limit the messaging frequency from each source or failing to prevent messages prone to cause information insecurity as prescribed;
- g) Failing to send copies of contents of promotional emails or messages which have been sent to clients to the technical system of Ministry of Information and Communications;
- h) Hiding email name/address when sending emails/messages;
- i) Failing to stop sending promotional emails/messages to recipients immediately after receiving their requests for refusal to receive such promotional emails/messages;
- k) Failing to cooperate with domestic and foreign mobile telecommunications service providers in preventing spam messages;
- l) Failing to implement measures for preventing spam messages at the request of a competent authority;
- m) Failing to prevent spam messages with forged sender addresses before sending them to end service users;
- n) Failing to stop providing message-based content services at the request of clients;
- o) Failing to fully implement requests for coordination, prevention and handling of spam messages.

5. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to comply with requests for coordination, prevention and handling of spam messages;
- b) Failing to comply with requests for handling of notifications/reports on spam messages given by the Ministry of Information and Communications;
- c) Failing to implement measures for reducing spam emails at the request of a competent authority;
- d) Failing to provide information on and block sources of spam emails or malware at the request of a state authority;

dd) A messaging service provider's failure to implement measures for evaluating the state of spam messages over mobile telecommunications networks according to guidelines given by the Ministry of Information and Communications.

6. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to provide adequate methods for refusal to receive promotional emails or messages;

b) Sending or spreading spam emails, spam messages and/or malware;

c) Creating a series of missed calls to entice users to make calls or send messages to numbers providing content services for personal gains or providing promotional information;

d) Operating or using service numbers or subscriber numbers for wrong purposes;

dd) Opening the function to dial, send/receive messages of toll-free service numbers/premium-rate service numbers.

7. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for failing to establish a system for receiving and handling refusal requests of recipients when sending promotional emails or messages or providing Internet-based messaging services.

8. A fine ranging from VND 180,000,000 to VND 200,000,000 shall be imposed for failing to blocking or taking back subscriber numbers which are used to send spam messages.

9. Additional penalties:

a) The provision of services shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Points c, d, e and h Clause 4, Clause 6 and Clause 7 of this Article;

b) The rights to use management codes/names shall be revoked for a fixed period of 01 – 03 months in case of commission of any of the violations in Points a and b Clause 3, Points d, g, h, I and o Clause 4, Points a and b Clause 6 of this Article.

10. Remedial measures:

a) Enforced return or transfer of benefits illegally obtained from the commission of the violation in Point d or dd Clause 6 of this Article;

b) Enforced revocation of prefixes/telecommunications numbers in case of commission of the violation in Point h Clause 4, Point b or c Clause 5, or Clause 6 of this Article.

**Article 95. Violations against regulations on provision of promotional email/message services and message-based content services**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to establish a website using “.vn” domain name of Vietnam when providing promotional email services, or Internet-based messaging services, or message-based content services;
- b) Failing to provide adequate and clear service-related information on the website before such services are provided for users, consisting of: name of service, corresponding order code, description of service, using method, corresponding service charge, instructions for service termination, customer service numbers, and commitments to use service.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing promotional email or message services or message-content services or Internet-based messaging services before obtaining a management code as prescribed;
- b) Failing to provide readable information in Vietnamese on prices/charges and suitable equipment or providing information on the charges which does not match or close the order code or whose size is smaller than 2/3 of the order code’s size when giving advertisements or providing information about message-based content services, award-winning messaging, rating programs or donation or contribution programs by messaging on printed newspapers, television newspapers, online newspapers, websites, Internet, messages and/or emails;
- c) Failing to provide information on charge rates before charging calls to premium-rate service numbers or enquiry service numbers;
- d) Failing to instruct subscribers to notify spam messages and reply to received notifications of spam messages;
- dd) Insufficiently retaining data on provided message-based content services as prescribed.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to use a server located in Vietnam when providing service/product-related information via emails;
- b) Failing to use servers located in Vietnam when providing Internet-based messaging services;
- c) Failing to use the granted messaging numbers as prescribed when providing service/product-related information via messages;
- d) Providing promotional email/message services but failing to establish a system for receiving and handling requests for refusal to receive promotional emails/messages;

- dd) Failing to provide free of charge the function to receive notifications of spam messages or emails from users;
- e) Failing to operate a spam prevention system capable of preventing spam messages by sender source or key words shown in messages;
- g) Failing to provide message sending and receiving services or message sending and receiving services with identification names to service providers that have been issued with management codes;
- h) Failing to allow enterprises that are issued with management codes to make connections with technical systems for providing services;
- i) Failing to retain data on provided message-based content services as prescribed;
- k) Failing to provide information on charge rates when users make calls to premium-rate service numbers or enquiry service numbers.

4. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for charging error messages, unreplied messages or messages with replied contents which do not match order codes announced by the enterprise or messages of cheated users.

5. Additional penalties:

- a) The provision of services shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Point h Clause 3 or Clause 4 of this Article;
- b) The rights to use management codes shall be revoked for a fixed period of 01 – 03 months in case of commission of any of the violations in Point a Clause 1, Point dd Clause 2, Clause 3 and Clause 4 of this Article.

6. Remedial measures:

- a) Enforced return or transfer of benefits illegally obtained from the commission of the violation in Point c Clause 2, Point k Clause 3 or Clause 4 of this Article;
- b) Enforced revocation of management codes/identification names in case of commission of any of the violations in Point a Clause 1, Point dd Clause 2, Points a, b, c and d Clause 3 and Clause 4 of this Article.

**Article 96. Violations against regulations on provision of content services on mobile telecommunications networks**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:



a) Failing to carry out procedures for re-issuance of the Certificate of registration of provision of content services on mobile telecommunications networks when the issued Certificate has been lost, damaged or otherwise destroyed;

b) Failing to provide customer care services;

c) Failing to notify or giving a notification to a competent authority after the prescribed deadline in case of changes in the organization or enterprise's headquarters or legal representative;

d) Failing to submit reports on provision of content services on mobile telecommunications networks by prescribed deadlines.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to carry out procedures for modification or amendment of the issued Certificate of registration of provision of content services on mobile telecommunications networks as prescribed;

b) Failing to formulate and publish the agreement on provision of content services before providing services to users;

b) Failing to give notification or giving a notification of the use of management code/code for providing content services on mobile telecommunications networks to the Ministry of Information and Communications after the prescribed deadline from the date of issue, return, revocation or change of management code/service-providing code;

d) Failing to submit periodical and ad hoc reports on provision of content services on mobile telecommunications networks as prescribed.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Insufficiently retaining provided information or processing data of requests for registration/termination of services, information on service charges, complaints and settlement thereof;

b) Failing to retain provided information or processing data of requests for registration/termination of services, information on service charges, complaints and settlement thereof for a prescribed period;

c) Failing to stop or suspend connections with content service providers that have performed prohibited acts for a prescribed period as requested by a competent authority;

d) Providing services against the Certificate of registration of provision of content services on mobile telecommunications networks.

4. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to retain provided information or processing data of requests for registration/termination of services, information on service charges, complaints and settlement thereof;
- b) Failing to refuse to make connections with organizations or enterprises that do not carry out procedures for registration of provision of content services on mobile telecommunications networks;
- c) Failing to stop or suspend connections with content service providers that have committed violations at the request of a competent authority;
- d) Providing services without obtaining a valid Certificate of registration of provision of content services on mobile telecommunications networks;
- dd) Failing to give notification or giving a notification of changes in service provision methods to competent authorities after the prescribed deadline.

5. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to control service provision procedures/systems of content service providers as prescribed or failing to ensure registration, verification, refusal, renewal and termination of services, charging and notifications given to service users as prescribed;
- b) Failing to notify one of the following contents when carrying out advertisements for content services, including name of service, service-providing code/number, methods of registration, charging frequency, service charges, methods of refusal and customer service number;
- c) Failing to provide one of the following contents, including name of service, management code, service-providing code, date of registration, charging frequency, service charges, methods of service termination, to service users who retrieve information on their content services;
- d) Failing to provide consistent code/prefix to service users to serve their retrieval of information on their content services;
- dd) Providing regular services but having sent SMS notification which lacks one of the following contents, including "Successful registration", "name of registered service", "management code/service-providing code, charging frequency, charge rate, method of service termination, and customer service number", to service users;
- e) Sending SMS notification of service renewal which lacks one of the following contents, including name of service, management code/service-providing code, charging frequency, charge

rate, method of service termination, and customer service number, to subscribers that have registered for regular services;

g) Failing to send SMS notification of service renewal with correct messaging frequency or at prescribed times to subscribers that have registered for regular services;

h) Failing to provide content services correctly as registered by users or failing to provide information as announced by the content service provider;

i) Failing to return service charges collected against regulations to service users by prescribed deadlines.

6. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

a) Providing content services containing prohibited contents on mobile telecommunications networks;

b) Failing to ensure service users' rights to refuse, terminate or search for their registered or used content services;

c) Providing regular services but failing to send SMS notification which contains the following contents, including "Successful registration", "name of registered service", "management code/service-providing code, charging frequency, charge rate, method of service termination, and customer service number", to service users;

d) Providing regular content services on mobile telecommunications networks without the consent via SMS sent from service users;

dd) Collecting service charges when service users have refused to use or terminate service or search for registered content services by messaging, making calls to customer service number, accessing the website of the content service provider or by other forms;

e) Charging content services from which users do not receive any information or receive inadequate or incomplete information as registered;

g) Failing to send SMS notification of automatic renewal of services to subscribers that have registered for regular services;

h) Failing to send SMS notification of handling results of subscribers' requests for termination of content services;

i) Failing to return service charges collected against regulations to service users.

7. Additional penalties:

a) The Certificate of provision of content services on mobile telecommunications services shall be suspended for a fixed period of 3 – 5 months in case of commission of any of the violations in Points a and dd Clause 4, Clause 5 and Clause 6 of this Article;

b) The exhibits and instrumentalities used for committing the violation in Point d Clause 4 of this Article shall be confiscated.

8. Remedial measures:

a) Enforced return or transfer of benefits illegally obtained from the commission of any of the violations in Points d and dd Clause 4, Points b, c, dd, e, g and h Clause 5 and Clause 6 of this Article;

b) Enforced revocation of management codes/service-providing codes in case of commission of any of the violations in Points d and dd Clause 4, Clause 5 and Clause 6 of this Article.

**Article 97. Violations against regulations on collection of service charges**

1. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to return service charges at the request of message-based content service providers or failing to give notification of return of service charges to users;

b) Failing to provide information about service charges at items with function to deduct charges of applications, games or websites;

c) Providing charged software programs or websites but failing to activate the function allowing users to confirm or refuse to use services with corresponding service charges.

2. Additional penalties:

The provision of services shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Clause 1 of this Article.

3. Remedial measures:

a) Enforced return or transfer of benefits illegally obtained from the commission of any of the violations in Clause 1 of this Article;

b) Enforced revocation of prefixes/ telecommunications numbers in case of commission of any of the violations in Clause 1 of this Article.

**Section 4. VIOLATIONS AGAINST REGULATIONS ON CYBERINFORMATION**

**Article 98. Violations against regulations on license to establish social networking sites**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to carry out procedures for re-issuance of the license to establish social networking site in case the issued license is lost or otherwise damaged;

b) Failing to give a notification of changes in the owner or headquarters address to the licensing authority.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to carry out procedures for modification or amendments to the license to establish social networking site in case of change or addition of information to the license.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for establishing a social networking site without a valid license.

4. Additional penalties:

a) The exhibits and instrumentalities used for committing the violation in Clause 3 of this Article shall be confiscated.

b) All operations shall be suspended for a fixed period of 01- 03 months in case of commission of the violation in Clause 2 of this Article.

5. Remedial measures:

Enforced revocation or return of domain name in case of commission of the violation in Clause 3 of this Article.

#### **Article 99. Violations against regulations on websites**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for providing insufficient or inaccurate information on name of the organization managing the website, name of its supervisory authority (if any), contact address, email address, phone number and name of the person in charge of contents of the website's homepage.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Providing or sharing paths/links to other websites with contents in violation of laws;

b) Disseminating information on or inciting violence, pornography, debauchery, crimes, social evils, superstitions, or sabotage of national good traditions and customs.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing false information with the aims of distorting, slandering or damaging the prestige, honor and dignity of other organizations or individuals;
- b) Posting, delivering or using images of Vietnam's map which does not indicate the entire and accurate national sovereignty;
- c) Advertising, disseminating information on or trading in prohibited goods/services;
- d) Forging websites of other organizations or individuals;
- dd) Posting/delivering journalistic, literature and arts works and other publications without the consent from holders of intellectual property rights over such works, or which are not allowed to be distributed or subject to a distribution prohibition or confiscation decision.

#### 4. Additional penalties:

The exhibits and instrumentalities used for committing any of the violations in Clause 3 of this Article shall be confiscated.

#### 5. Remedial measures:

- a) Enforced removal of paths/links to false, misleading or violating information in case of commission of any of the violations in Clause 2 and Clause 3 of this Article;
- b) Enforced revocation or return of domain names in case of commission of any of the violations in Clause 2 and Clause 3 of this Article.

### **Article 100. Violations against regulations on responsibility of organizations/enterprises establishing social networking sites**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to publish entire contents of the agreement on provision and use of social networking services on the website's homepage;
- b) Failing to adopt measures for protecting the privacy or personal information of service users;
- c) Failing to notify service users of their rights, responsibility and risks arising from exchange/sharing of information on the network;
- d) Failing to respect users' rights to decide to allow the organization or enterprise establishing the social network to provide their personal information for a third party;

dd) Failing to carry out registration, retention and management of personal information of persons who establish personal websites and other providers of information on social network as prescribed;

e) Providing insufficient or inaccurate information on the name of the organization managing the social network, name of its supervisory authority (if any), contact address, email address, phone number and name of the person in charge of contents of the social network, number, issue date and issuing authority of the license on the homepage of the social network.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Using personal information of others on the social network without their consent;

b) Failing to provide private or personal information of service users who get involved in terror acts, crimes or other violations against law at the request of competent authorities;

c) Failing to operate a server in Vietnam to serve the inspection, retention and provision of information at the request of a competent authority or resolution of clients' complaints about services provided in accordance with regulations of Ministry of Information and Communications;

d) Failing to retain information on accounts, log-in/log-out times, IP addresses of users and logs of handling of published information as prescribed;

dd) Committing a violation involving personnel, domain name, technical requirements or content management;

e) Failing to publish the agreement on provision and use of social networking services on the website's homepage;

g) Failing to provide information on the name of the organization managing the social network, name of its supervisory authority (if any), contact address, email address, phone number and name of the person in charge of contents of the social network, number, issue date and issuing authority of the license on the homepage of the social network.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Deliberately storing/delivering fake or false information with the aims of distorting, slandering or damaging the prestige, honor and dignity of other organizations or individuals;

b) Deliberately providing information with the aims of encouraging unsound customs, superstitions or pornography, or which is not conformable with the national good traditions and customs;

- c) Deliberately providing information describing in detail acts of cutting off/killing, accidents, horror and frightful acts;
- d) Deliberately storing/delivering fictitious information with the aims of causing a panic among the population, inciting violence, crimes, social evils, gambling or serving gambling activities;
- dd) Deliberately storing/delivering information which does not match the national interests;
- e) Deliberately posting, delivering, transmitting or using images of Vietnam's map which does not indicate the entire and accurate national sovereignty;
- g) Deliberately posting/delivering journalistic, literature and arts works and other publications without the consent from holders of intellectual property rights over such works, or which are not allowed to be distributed or subject to a distribution prohibition or confiscation decision;
- h) Deliberately advertising, disseminating information on or trading in prohibited goods/services;
- i) Failing to block and remove violating information as prescribed.

#### 4. Additional penalties:

- a) The exhibits and instrumentalities used for committing any of the violations in Clause 3 of this Article shall be confiscated;
- b) The license to establish social networking site shall be suspended for a fixed period of 8 - 12 months in case of commission of any of the violations in Points b, c, d and dd Clause 2 and Clause 3 of this Article.

#### 5. Remedial measures:

- a) Enforced removal of false, misleading or violating information in case of commission of any of the violations in Clause 3 of this Article;
- b) Enforced revocation of domain names in case of commission of any of the violations in Clause 3 of this Article.

### **Article 101. Violations against regulations on responsibility of social networking service users**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing/sharing fake or false information with the aims of distorting, slandering or damaging the prestige, honor and dignity of other organizations, authorities or individuals;



- b) Providing/sharing information with the aims of encouraging unsound customs, superstitions or pornography, or which is not conformable with the national good traditions and customs;
- c) Providing/sharing information describing in detail acts of cutting off/killing, accidents, horror and frightful acts;
- d) Providing/sharing fictitious information with the aims of causing a panic among the population, inciting violence, crimes, social evils, gambling or serving gambling activities;
- dd) Providing/sharing journalistic, literature and arts works and other publications without the consent from holders of intellectual property rights over such works, or which are not allowed to be distributed or subject to a distribution prohibition or confiscation decision;
- e) Advertising, disseminating or sharing information on prohibited goods/services;
- g) Providing/sharing images of Vietnam's map which does not indicate the entire and accurate national sovereignty;
- h) Providing/sharing paths/links to prohibited information on networks.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for disclosing information classified as state secret, an individual's privacy or other secrets if not liable to criminal prosecution.

### 3. Remedial measures:

Enforced removal of false, misleading or violating information in case of commission of any of the violations in Clause 1 and Clause 2 of this Article.

## **Article 102. Violations against regulations on retention, leasing, transmission, provision, access, collection, processing, exchange and utilization of information**

1. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for storing personal information of others collected in cyberspace for a period exceeding the retention period prescribed by law or agreed upon by two parties.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to terminate the leasing of digital information storage space in case information is stored in violation of law upon detection by the lessor or notification by a competent authority;
- b) Failing to terminate the provision of tools for finding sources of digital information to organizations/individuals in case such sources of digital information are found to violate the law upon detection by the service provider or notification by a competent authority;

c) Failing to review and correct or remove the others' personal information stored in cyberspace in course of information collection, processing and utilization upon request of owners of such information;

d) Providing or using personal information which is not yet corrected at the request for information correction of the owner of such information;

dd) Providing or using personal information when the owner of such information has sent request for removal of such information.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Illegally accessing, using, disclosing, interrupting, altering or destroying information/information systems;

b) Failing to implement necessary measures for preventing the access to or removing violating information at the request of a competent authority when transmitting or leasing of space for storing digital information;

c) Failing to comply with the request of a competent authority for determination of the list of owners who lease space for storage of digital information;

d) Failing to keep confidentiality of information of organizations/individuals leasing space for storing digital information, unless the information must be provided at the request of a competent authority;

dd) Failing to implement necessary managerial/technical measures for protecting personal information from loss, theft, disclosure, change or removal when collecting, processing and using personal information of other persons in cyberspace;

e) Collecting, processing and using information of other organizations/individuals without their consent or for serving purposes other the prescribed ones;

g) Providing, exchanging, transmitting or storing and using digital information in order to threaten, disturb, distort, slander or damage the prestige, honor and dignity of other organizations or individuals;

h) Providing, exchanging, transmitting or storing and using digital information for advertising or promotion of prohibited goods/services;

i) Illegally obstructing the transmission of information online, intervening, accessing, damaging, removing, altering, duplicating and falsifying information in cyberspace;

k) Failing to monitor or supervise digital information of other organizations/individuals at the request of a competent authority;

l) Failing to cooperate in investigation of violations against the law in course of transmission or storage of digital information of other organizations/individuals at the request of a competent authority;

m) Disclosing information classified as state secrets, personal and family secrets if not liable to criminal prosecution;

n) Impersonating other organizations/individuals and disseminating fake or false information which infringes upon legitimate rights and benefits of other organizations/individuals;

o) Appropriating another person's mails, telegraphs, telex, faxes or other documents which are transmitted in cyberspace in any forms;

p) Deliberately obtaining information/contents of another person's mails, telegraphs, telex, faxes or other documents which are transmitted in cyberspace;

q) Listening or recording conversations against the law;

r) Confiscating mails or telegraphs against the law.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to keep confidentiality of private information transmitted on public telecommunications network or disclosing private information relating to telecommunications service users;

b) Providing, exchanging, transmitting, storing or using information/services related to gambling or serving gambling activities, or pornography, debauchery, superstitions, or which are contrary to national good traditions and customs.

5. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Illegally trading or exchanging private information of telecommunications service users;

b) Hiding name or electronic address or forging another person's name or electronic address when sending emails/messages.

6. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for providing, exchanging, transmitting or storing and using digital information disseminating wrong facts about the sovereignty of Vietnam.

7. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Disseminating/inciting violence; disseminating reactionary information if not liable to criminal prosecution;
- b) Providing information/images infringing upon the national sovereignty; distorting history, denying the revolutionary achievements; offending the nation, famous persons or national heroes if not liable to criminal prosecutions.

8. Additional penalties:

- a) The license to establish social networking site shall be suspended for a fixed period of 22 - 24 months in case of commission of any of the violations in Clauses 5, 6 and 7 of this Article;
- b) The exhibits and instrumentalities used for committing any of the violations in Points b, g, h and q Clause 3, Point a Clause 4 and Clause 7 of this Article shall be confiscated.

9. Remedial measures:

- a) Enforced return of benefits illegally obtained from the commission of the violation in Point b Clause 4 or Point a Clause 5 of this Article;
- b) Enforced revocation of prefixes/ telecommunications numbers in case of commission of the violation in Point b Clause 4 of this Article;
- c) Enforced revocation of domain names in case of commission of the violation in Point b Clause 3 of this Article;

**Article 103. Violations against regulations on license, registration certificate, decision on approval of online game scripts**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to carry out procedures for re-issuance of one of the following documents:

- a) License to provide G1 online games;
- b) Decision on approval of G1 game script;
- c) Certificate of registration of provision of online gaming services.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for altering/erasing contents of or providing false information when applying for one of the following documents:

- a) License to provide G1 online games;
- b) Decision on approval of G1 game script;

- c) Certificate of registration of provision of online gaming services;
- d) Certificate of notification of provision of online gaming services.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failing to carry out procedures for modification of one of the following documents:

- a) License to provide G1 online games;
- b) Decision on approval of G1 game script;
- c) Certificate of registration of provision of online gaming services.

4. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the commission of one of the following violations:

- a) The G1 gaming service provider fails to give a written notification or gives a written notification of relocation of its headquarters, transaction office or place where its server or leased server is located to the Ministry of Information and Communications/ Provincial Department of Information and Communications after the prescribed deadline;
- b) The G1 gaming service provider fails to give a written notification or gives a written notification of changes in its organizational structure or capital contribution resulting in changes in capital contributors (or shareholders) holding at least 30% of charter capital to the Ministry of Information and Communications/ Provincial Department of Information and Communications after the prescribed deadline;
- c) The G2, G3 or G4 gaming service provider fails to give a written notification or gives a written notification of changes in domain name, game distribution channels, type of games or headquarters address to the Ministry of Information and Communications/ Provincial Department of Information and Communications after the prescribed deadline.

5. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing G2, G3 or G4 gaming services but failing to give a notification or giving a notification of provision of online gaming services to the Ministry of Information and Communications after the prescribed deadline;
- b) Providing G1 gaming services with an expired license to provide G1 online games.

6. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing G2, G3 or G4 gaming services without a valid certificate of registration of provision of online gaming services;

b) Providing G1 gaming services without obtaining a Decision on approval of G1 game script.

7. A fine ranging from VND 150,000,000 to VND 170,000,000 shall be imposed for providing G1 gaming services without a valid license to provide online games.

8. Additional penalties:

a) The certificate of registration of provision of online gaming services shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point c Clause 4 of this Article;

b) The license to provide G1 online games shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point b Clause 6 of this Article;

c) The exhibits and instrumentalities used for committing any of the violations in Clause 6 and Clause 7 of this Article shall be confiscated;

d) The license to provide online games/ certificate of registration of provision of online gaming services shall be confiscated in case of commission of any of the violations in Clause 2 of this Article;

dd) The decision on approval of G1 game script shall be confiscated in case of commission of any of the violations in Clauses 1, 2 and 3 of this Article.

9. Remedial measures:

a) Enforced transfer of benefits illegally obtained from the commission of any of the violations in Clause 6 and Clause 7 of this Article;

b) Enforced revocation of domain names in case of commission of any of the violations in Point a Clause 5, Clause 6 and Clause 7 of this Article.

#### **Article 104. Violations against regulations on provision of online gaming services**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to establish a website providing online games (hereinafter referred to as “online game website”) or failing to publish adequate information on that website as prescribed by law;

b) Suspending the provision of online gaming services before having published a notification thereof on the online game website for a full period of 90 days or within 15 days after reporting on such suspension to a competent authority.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to provide information on online games or carry out age-ratings of online games or failing to give warning about negative effects of online games which players might suffer from in advertising programs, on the website of gaming service provider and in each online game;

b) Failing to protect legitimate rights and benefits of players according to the announced game rules or failing to adopt measures for protecting legitimate rights and benefits of service users when suspending the provision of online games or failing to receive and settle disputes;

c) Suspending the provision of online games but failing to give a notification on the online game website or send a written notification thereof to a competent authority;

d) Advertising G2, G3 or G4 online games before giving a notification of provision of online gaming services;

dd) Providing G2, G3 or G4 gaming services but failing to meet one of technical requirements for providing online gaming services or against the notification sent to a competent authority.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for providing a G1 online game whose script contains images or sounds causing horror or frightful feeling, inciting violence or lust, stirring or exciting obscene, debauchery or immorality contrary to good traditions, culture, customs and habits of Vietnam; distorting traditions and history; distorting, slandering or hurting the prestige or honor and dignity of another organization or individual; meticulously describing acts of suicide, use of drug, drinking, smoking, terror acts, child abuse, child trafficking, gambling and other harmful or prohibited acts.

4. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failing to operate a server located in Vietnam to serve the inspection, retention and provision of information at the request of a competent authority or resolution of clients' complaints about provided services in accordance with regulations of Ministry of Information and Communications.

5. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the commission of one of the following violations:

a) Providing G1 online games but failing to meet one of technical requirements for providing online gaming services;

b) Advertising a G1 online game without obtaining the decision on approval of game script;

c) Providing a G1 online game against its approved game script;

d) Failing to carry out registration of players' personal information when providing G1 online games;

dd) Failing to implement measures/solutions for limiting G1 game playing times of children or players under 18 years old as prescribed.

6. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for the commission of one of the following violations:

- a) Exchanging virtual goods or units or reward points for real money, payment cards, coupons or other tradable items in any forms;
- b) Creating in-game virtual goods or units or reward points against the game script;
- c) Providing a G1 online game which contains information/images infringing upon the national sovereignty, distorting history, denying the revolutionary achievements; offending the nation, famous persons or national heroes if not liable to criminal prosecutions.

7. Additional penalties:

- a) The decision on approval of G1 game script shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point c Clause 5 of this Article;
- b) The license to provide G1 online games/certificate of provision of online gaming services shall be suspended for a fixed period of 22 - 24 months in case of commission of any of the violations in Clause 6 of this Article;
- c) The exhibits and instrumentalities used for committing any of the violations in Clause 3 and Clause 6 of this Article shall be confiscated;
- d) All operations shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Points b and dd Clause 2, Clauses 3, 4, Points a and d Clause 5 of this Article.

#### **Article 105. Violations against regulations on points of public electronic gaming services**

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for posting internal regulations on public electronic gaming services which do not contain adequate information as required.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the commission of one of the following violations:

- a) Establishing a point of public electronic gaming services in less than 200 m away from a primary school, lower or upper secondary school;
- b) Failing to indicate all of required information on the signboard as prescribed;
- c) Failing to post internal regulations on public electronic gaming services;
- d) Failing to post the updated list of G1 online games with approved scripts, accompanied by the age-ratings of such games, at the point of public electronic gaming services.



3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

- a) Establishing a point of public electronic gaming services without a valid certificate of eligibility to operate points of public electronic gaming services;
- b) Establishing a point of public electronic gaming services but failing to enter into an Internet agency contract or failing to obtain the Internet service provider's certification of its point of public Internet access services;
- c) Establishing a point of public electronic gaming services but failing to meet eligibility requirements as prescribed;
- d) Failing to comply or improperly complying with regulations on information safety and security;
- dd) Providing services out of the prescribed period of time between 08:00 AM and 22:00 PM every day;
- e) Failing to strictly comply with other regulations on obligations of a point of public electronic gaming services.

4. Additional penalties:

All operations shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Points a, b, d and e Clause 3 of this Article.

#### **Article 106. Violations against regulations on players**

- 1. A warning shall be imposed for providing inaccurate personal information when playing G1 games.
- 2. A fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for failing to comply with regulations on playing hours posted at points of public electronic gaming services.
- 3. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for the commission of one of the following violations:
  - a) Misusing electronic games for performing violations or disturbing public order, social security or national security;

### **Chapter VI**

#### **ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON ELECTRONIC TRANSACTIONS, PENALTIES AND REMEDIAL MEASURES**

## **Article 107. Violations against regulations on operating conditions**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failing to carry out procedures for re-issuance of the license to provide public digital signature certification services, certificate of eligibility to ensure specialized digital signature security, or license to use foreign digital certificate in Vietnam in case such document is lost, torn, burnt or otherwise destroyed.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to complete procedures for renewal of license to provide public digital signature certification services by the prescribed deadline;

b) Failing to meet personnel or technical conditions for obtaining a license by a public digital signature certification body or certificate of eligibility to ensure specialized digital signature security by a provider of certification services of specialized digital signatures for agencies/organizations;

c) Failing to comply with regulations on format of digital certificates;

d) Failing to carry out procedures for modification of the license to provide digital signature certification services in case of change of business name or legal representative.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for trading, transferring or leasing the license to provide digital signature certification services.

4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for retaining duplicates of private keys without requests of applicants for digital certificates.

5. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for providing digital signature certification services without a valid license or digital certificate issued by Vietnam National Root Certification Authority.

6. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to maintain the satisfaction of financial condition for obtaining the license to provide digital signature certification services;

b) Failing to retain adequate and accurate information and update information on subscribers serving the grant of digital certificates during the validity of such digital certificates.

7. Additional penalties:

a) The provision of digital signature certification services/certificate of eligibility to ensure specialized digital signature security shall be suspended for a fixed period of 01 - 06 months in case of commission of the violation in Point b Clause 2 of this Article;

b) The license to provide digital signature certification services, certificate of eligibility to ensure specialized digital signature security, certificate of a foreign digital signature certification body or license to use foreign digital certificate in Vietnam shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Clauses 3, 4 and 6 of this Article.

#### 8. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Clause 3 of this Article;

### **Article 108. Violations against regulations on compulsory technical regulations and standards**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to maintain the compliance with registered standards when providing specialized digital signature certification services.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for the commission of one of the following violations by a public digital signature certification body:

a) Developing a technical plan inconsistently with technical regulations in course of operations;

b) Failing to comply with mandatory technical regulations or standards when providing public digital signature certification services.

#### 3. Additional penalties:

The license to provide digital signature certification services shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point b Clause 2 of this Article.

### **Article 109. Violations against regulations on provision of digital signature and digital certificate services**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to give written instructions or giving inadequate or inaccurate instructions to applicants for digital certificates before signing contracts for issuance of digital certificates;

b) Failing to extend digital certificates at the request of subscribers;

c) Failing to maintain the availability of 24/07 information channel to receive requests for revocation or suspension of digital certificates;

d) Creating key pairs for applicants for digital certificate without their written requests;

dd) The contract signed between the public digital signature certification body and a subscriber does not contain adequate contents as prescribed.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to give notification to the subscriber in case that subscriber's private key is found to be revealed, damaged or have any errors which might adversely affect rights and benefits of that subscriber;

b) Failing to notify subscribers of the revocation of the license to provide public digital signature certification services and information on the organization that will receive database of the license holder;

c) Failing to give notification to subscribers for a prescribed period before suspending the provision of digital signature certification services;

d) Failing to notify the subscriber of suspension of its/his/her digital certificate, dates of commencement and termination of such suspension if it is well-grounded;

dd) Failing to publish the suspension of issuance of new digital certificates on the website;

e) Refusing to issue digital certificates without legitimate reasons;

g) Failing to have published certification regulations that follow the template adopted by the Ministry of Information and Communications or contain adequate information prescribed by law;

h) Failing to publish certification regulations using the template adopted by the Ministry of Information and Communications;

i) Failing to notify the subscriber of revocation of its/his/her digital certificate;

k) Failure by a specialized digital signature certification body to carry out procedures for operation registration with the Ministry of Information and Communications;

l) Failing to formulate a standard-form contract to be used when issuing digital certificates;

m) Failing to comply with mandatory technical regulations and standards when providing time-stamp services;

n) Failing to report on suspension of issuance of new digital certificates to competent authorities.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commission of one of the following violations:

a) Publishing the digital certificate issued to a subscriber on database before obtaining that subscriber's confirmation of information specified on the digital certificate;

b) Failing to recover the digital certificate upon the end of suspension period;

c) Failing to retain adequate information relating to the suspension or revocation of digital certificates for a period of no less than 05 years;

d) Failing to enter into an agreement on transfer of database on provision of public digital signature certification services when having a license to provide public digital signature certification services revoked;

dd) Failing to report the Ministry of Information and Communications in case of failure to reach an agreement on transfer of database on provision of public digital signature certification services when having the license to provide public digital signature certification services revoked;

e) Changing the key pair without request from the subscriber;

g) Failing to retain information on applicants for digital certificates.

4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to suspend the digital certificate at the request of the subscriber or a competent authority;

b) Failing to revoke the digital certificate at the request of the subscriber or a competent authority;

c) Failing to publish accurate contents of digital certificates on database;

d) Issued digital certificates do not contain adequate information as prescribed;

dd) Issuing a digital certificate which does not correspond with the position of the subscriber working at a state agency as prescribed;

e) Failing to allow Internet users to access lists of valid digital certificates and expired ones;

g) Failing to comply with the license suspension or revocation as prescribed;

h) Failing to publish digital certificates issued to subscribers on database by prescribed deadlines;

i) Issuing time-stamps against regulations;

k) Failing to suspend the issuance of new digital certificates upon detection of any failures in the system used for providing digital signature certification services.

5. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to transfer documents and database as prescribed;

b) Failing to request the Ministry of Information and Communications to consider modifying, revoking or issuing license as prescribed when the public digital signature certification body engages in merger, joint-venture, association or other changes;

c) Developing or providing digital signature certification services against the license to provide public digital signature certification services;

d) Failing to suspend the issuance of new digital certificates at the request of a competent authority;

dd) Failing to maintain database on issued digital certificates during the suspension of issuance of new digital certificates.

6. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to publish and maintain the 24/07 availability of the following information on the website, including regulations on certification and digital certificates, lists of valid digital certificates, suspended and revoked ones;

b) Failing to sufficiently and accurately retain/failing to update the list of valid digital certificates or the list of expired ones for a period of no less than 05 years;

c) Failing to establish equipment/system used for providing digital signature certification services in Vietnam after obtaining a license to provide public digital signature certification services or certificate of eligibility to ensure specialized digital signature security from the Ministry of Information and Communications;

d) Failing to update the website within 24 hours from the occurrence of any changes in regulations on certification and digital certificates, lists of valid digital certificates, suspended and expired ones.

#### **Article 110. Violations against regulations on use of digital signature and digital certificate services**

1. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commission of one of the following violations:

- a) Failing to provide private keys or other necessary information for presiding agencies or security agencies as prescribed;
- b) Carrying out transactions with state agencies using a foreign digital certificate which is not licensed to use in Vietnam.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing false information when applying for a digital certificate;
- b) Using a digital signature of a holder of digital certificate of an agency or organization for entering into transactions against the user's position.

#### **Article 111. Violations against regulations on license to use foreign digital certificates in Vietnam**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to present the license to use a foreign digital certificate in Vietnam.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for using a foreign digital certificate in Vietnam against the license.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for accepting a foreign digital certificate which is not yet licensed to be used in Vietnam in transactions made with state agencies.

4. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for using a foreign digital certificate which can be used in Vietnam according to a valid license but it has been expired.

5. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the commission of one of the following violations:

- a) Providing false information when applying for issuance, re-issuance or modification of the license to use foreign digital certificate in Vietnam;
- b) Trading, renting or leasing the license to use foreign digital certificate in Vietnam.

6. Additional penalties:

The license to use foreign digital certificate shall be confiscated in case of commission of any of the violations in Clause 5 of this Article.

7. Remedial measures:

Enforced return of benefits illegally obtained from the commission of the violation in Point b Clause 5 of this Article;

**Article 112. Violations against fees and charges**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to pay or delaying payment of fees for maintenance of the system used for checking digital certificate status (hereinafter referred to as “maintenance fee”) for more than 15 working days after the payment due date.

2. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failing to make full payment of maintenance fees in 06 months.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failing to make full payment of maintenance fees in 12 months.

4. Additional penalties:

a) The provision of public digital signature certification services shall be suspended for a fixed period of 01 – 06 months in case of commission of the violation in Clause 2 of this Article;

b) The license to provide public digital signature certification services shall be suspended for a fixed period of 8 - 12 months in case of commission of the violation in Clause 3 of this Article.

5. Remedial measures:

Enforced return of maintenance fees due to late or insufficient payment in case of commission of any of the violations in Clauses 1, 2 and 3 of this Article.

**Chapter VII**

**ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON DISPUTE SETTLEMENT, PENALTIES AND FINES**

**Article 113. Violations against regulations on settlement of disputes and complaints, and damage compensation during service provision**

1. A warning or a fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for the commission of one of the following violations:

a) Failing to establish or post complaint settlement procedures at points of services;



- b) Failing to settle complaints within the prescribed time limits;
  - c) Refusing to settle a complaint without giving a written notification which indicates reasons for such refusal to the complainant within 05 (five) working days from the receipt of that complaint.
2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for the commission of one of the following violations:
- a) Failing to notify complaint settlement results in writing to complainants;
  - b) Failing to retain or insufficiently retaining documents and information on complained services.
3. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for failing to return service charges or making damage compensation to service users in case such damage is caused by the enterprise or its agency.
4. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for failing to settle or failing to report complaint settlement results at the request of a competent authority.

## **Chapter VIII**

### **POWER TO RECORD AND IMPOSE PENALTIES FOR ADMINISTRATIVE VIOLATIONS**

#### **Article 114. Power to impose penalties of inspectorates**

1. On-duty inspectors and persons assigned to carry out specialized inspections in information and communications sector shall have the power to:
- a) Issue warning;
  - b) Impose a fine up to VND 1,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 800,000 on an administrative violation in postal service or electronic transaction sector;
  - c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than the fine specified in Point b of this Clause;
  - d) Impose the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations.
2. Chief inspectors of provincial Departments of Information and Communications, heads of specialized inspection teams established by provincial Departments of Information and Communications, heads of specialized inspection teams established by Vietnam Telecommunications Authority, Authority of Broadcasting and Electronic Information or

Authority of Radio Frequency Management, Directors of Regional Radio Frequency Centers, and heads of specialized inspection teams established by Regional Radio Frequency Centers shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 100,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 40,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Suspend licenses/practicing certificates or suspend operations for fixed periods;
- d) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than the fine specified in Point b of this Clause;
- dd) Impose remedial measures.

3. Heads of specialized inspection teams established to conduct inspections according to decisions issued by the Minister of Information and Communications or Chief Inspector of the Ministry of Information and Communications shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 140,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 56,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Suspend licenses/practicing certificates or suspend operations for fixed periods;
- d) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than the fine specified in Point b of this Clause;
- dd) Impose remedial measures.

4. Chief Inspector of the Ministry of Information and Communications, Directors General of Vietnam Telecommunications Authority, Authority of Broadcasting and Electronic Information and Authority of Radio Frequency Management shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 200,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 80,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

- d) Confiscate the exhibits and instrumentalities used for committing administrative violations;
- dd) Impose remedial measures.

**Article 115. Power to impose penalties of Chairpersons of People's Committees at all levels**

1. Chairpersons of communal-level People's Committees shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 5,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 4,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violations but are worth less than the fine specified in Point b of this Clause;
- d) Impose the remedial measures specified in Points a, b, c, and dd Clause 1 Article 28 of the Law on penalties for administrative violations.

2. Chairpersons of district-level People's Committees shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 100,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 40,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Suspend licenses or operations for fixed periods;
- d) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than the fine specified in Point b of this Clause;
- dd) Impose the remedial measures mentioned in Points a, b, c, dd, e, h, i and k Clause 1 Article 28 of the Law on penalties for administrative violations.

3. Chairpersons of provincial-level People's Committees shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 200,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 80,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Suspend licenses or operations for fixed periods;

- d) Confiscate the exhibits and instrumentalities used for committing administrative violations;
- dd) Impose remedial measures.

#### **Article 116. Power to impose penalties of people's public security forces**

1. On-duty soldiers of people's police forces shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 800,000 on an administrative violation in postal service or electronic transaction sector.

2. Heads of police stations and leaders of the soldiers mentioned in Clause 1 of this Article shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 3,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 2,400,000 on an administrative violation in postal service or electronic transaction sector.

3. Heads of communal-level police authorities and heads of police stations at checkpoints or export processing zones shall have the power to:

- a) Issue warning;
  - b) Impose a fine up to VND 5,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 4,000,000 on an administrative violation in postal service or electronic transaction sector;
  - c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than the fine specified in Point b of this Clause;
  - d) Impose the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations.
4. Heads of district-level police authorities and heads of provincial-level police departments, including heads of police departments for investigation into corruption, economy and smuggling-related crimes, heads of police departments for investigation into social order-related crimes, heads of police departments for administrative management of social order, heads of economic security departments, internal political security departments, and cybersecurity and hi-tech crime prevention and control divisions, shall have the power to:

- a) Issue warning;

b) Impose a fine up to VND 40,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 16,000,000 on an administrative violation in postal service or electronic transaction sector;

c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

d) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than the fine specified in Point b of this Clause;

dd) Impose the remedial measures mentioned in Points a, c, dd and k Clause 1 Article 28 of the Law on penalties for administrative violations.

5. Directors of provincial-level Public Security Departments shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 100,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 40,000,000 on an administrative violation in postal service or electronic transaction sector;

c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

d) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than the fine specified in Point b of this Clause;

dd) Directors of provincial-level Public Security Departments shall make decision on imposition of expulsion penalty;

e) Impose the remedial measures mentioned in Points a, c, dd, i and k Clause 1 Article 28 of the Law on penalties for administrative violations.

6. Directors of Department of Cybersecurity and Hi-tech Crime Prevention and Control, Police Department for Investigation into Social Order-related Crimes, Police Department for Investigation into Corruption, Economy and Smuggling-related Crimes, Police Department for Administrative Management of Social Order, Police Department for Investigation into Drug-related Crimes, Internal Political Security Department, and Economic Security Department shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 200,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 80,000,000 on an administrative violation in postal service or electronic transaction sector;

c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

- d) Confiscate the exhibits and instrumentalities used for committing administrative violations;
- dd) Impose the remedial measures mentioned in Points a, c, dd, i and k Clause 1 Article 28 of the Law on penalties for administrative violations.

7. Director General of Immigration Department shall have the power to impose administrative penalties in Clause 6 of this Article and have the right to make decision on imposition of expulsion penalty.

#### **Article 117. Power to impose penalties of border guard forces**

1. On-duty soldiers of border guard forces shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 800,000 on an administrative violation in postal service or electronic transaction sector.

2. Heads of police stations and leaders of the soldiers mentioned in Clause 1 of this Article shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 5,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 4,000,000 on an administrative violation in postal service or electronic transaction sector.

3. Heads of border-guard posts, commanders of border-guard flotillas, commanders of border-guard sub-zones, and commanders of port border guards shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 40,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 16,000,000 on an administrative violation in postal service or electronic transaction sector;

c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violations but are worth less than the fine specified in Point b of this Clause;

d) Impose the remedial measures mentioned in Points a, c, dd and k Clause 1 Article 28 of the Law on penalties for administrative violations.

4. Commanders of provincial-level border guard forces and commanders of border guard fleets affiliated to the Border Guard High Command shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 200,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 80,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Suspend licenses/practicing certificates or suspend operations for fixed periods;
- d) Confiscate the exhibits and instrumentalities used for committing administrative violations;
- dd) Impose the remedial measures mentioned in Points a, c, dd, i and k Clause 1 Article 28 of the Law on penalties for administrative violations.

#### **Article 118. Power to impose penalties of coast guard forces**

##### **1. Coast guard officers on duty shall have the power to:**

- a) Issue warning;
- b) Impose a fine up to VND 3,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 1,600,000 on an administrative violation in postal service or electronic transaction sector.

##### **2. Coastguard team leaders shall have the power to:**

- a) Issue warning;
- b) Impose a fine up to VND 10,000,000 or a fine up to VND 4,000,000 on an administrative violation in postal service sector;
- c) Impose a fine up to VND 10,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 4,000,000 on an administrative violation in postal service or electronic transaction sector.

##### **3. Coastguard squad leaders and captains of coastguard stations shall have the power to:**

- a) Issue warning;
- b) Impose a fine up to VND 20,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 8,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Impose the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations.

##### **4. Commanders of coastguard platoons shall have the power to:**

- a) Issue warning;
- b) Impose a fine up to VND 40,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 16,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violations but are worth less than the fine specified in Point b of this Clause;
- d) Impose the remedial measures mentioned in Points a, c, d, dd and k Clause 1 Article 28 of the Law on penalties for administrative violations.

5. Commanders in chief of coastguard squadrons shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 60,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 24,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violations but are worth less than the fine specified in Point b of this Clause;
- d) Impose the remedial measures mentioned in Points a, c, d, dd and k Clause 1 Article 28 of the Law on penalties for administrative violations.

6. Commanders of Regional Coast Guards shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 100,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 40,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violations but are worth less than the fine specified in Point b of this Clause;
- d) Impose the remedial measures mentioned in Points a, c, d, dd and k Clause 1 Article 28 of the Law on penalties for administrative violations.

7. Commanders of Coastguard Headquarters shall have the power to:

- a) Issue warning;



- b) Impose a fine up to VND 200,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 80,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Suspend licenses/practicing certificates or suspend operations for fixed periods;
- d) Confiscate the exhibits and instrumentalities used for committing administrative violations;
- dd) Impose the remedial measures mentioned in Point dd Clause 7 Article 41 of the Law on penalties for administrative violations.

**Article 119. Power to impose penalties of market surveillance forces**

1. Market controllers on duty shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 800,000 on an administrative violation in postal service or electronic transaction sector.

2. Leaders of market surveillance teams shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 40,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violations but are worth less than the fine specified in Point b of this Clause;
- d) Impose the remedial measures specified in Points a, dd, e, g, h, i and k Clause 1 Article 28 of the Law on penalties for administrative violations.

3. Directors of Provincial Market Surveillance Departments and Director of Market Surveillance Operations Department shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 100,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 40,000,000 on an administrative violation in postal service or electronic transaction sector;
- c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violations but are worth less than the fine specified in Point b of this Clause;

- d) Suspend licenses/practicing certificates or suspend operations for fixed periods;
  - dd) Impose the remedial measures specified in Points a, c, d, dd, e, g, h, i and k Clause 1 Article 28 of the Law on penalties for administrative violations.
4. Director General of Vietnam Directorate of Market Surveillance shall have the power to:
- a) Issue warning;
  - b) Impose a fine up to VND 200,000,000 on an administrative violation in telecommunications, radio frequencies or information technology sector or a fine up to VND 80,000,000 on an administrative violation in postal service or electronic transaction sector;
  - c) Confiscate the exhibits and instrumentalities for committing administrative violations;
  - d) Suspend licenses/practicing certificates or suspend operations for fixed periods;
  - dd) Impose the remedial measures specified in Points a, c, d, dd, e, g, h, i and k Clause 1 Article 28 of the Law on penalties for administrative violations.

#### **Article 120. Determination of power to impose penalties**

1. People's Committees at all level:

- a) Chairpersons of communal-level People's Committees shall have the power to impose penalties for the administrative violations in Clause 1 Article 55 hereof;
- b) Chairpersons of district-level People's Committees shall have the power to impose penalties for the administrative violations in Articles 9, 10 and 12, Clauses 1, 2 and 3 Article 34, Article 38 through 41, Clauses 1, 2 and 3 Article 55, Article 56 and Article 98 hereof;
- c) Chairpersons of provincial-level People's Committees shall have the power to impose penalties for the administrative violations in Articles 9, 10, 12, 33, 37, 38, 39, 40, 53, 54, 95 and 96 hereof.

2. People's public security forces:

- a) Heads of communal-level police authorities and heads of police stations shall have the power to impose penalties for the administrative violations in Clause 2 and Point a Clause 3 Article 106 hereof;
- b) Heads of district-level police authorities and head of operations division affiliated to Police Department for Investigation into Corruption, Economy and Smuggling-related Crimes, head of operations division affiliated to Police Department for Investigation into Social Order-related Crimes, head of operations division affiliated to Police Department for Administrative Management of Social Order, head of operations division affiliated to Economic Security

Department, head of operations division affiliated to Internal Political Security Department, and head of operations division affiliated to Department of Cybersecurity and Hi-tech Crime Prevention and Control shall have the power to impose penalties for the administrative violations in Clauses 1 and 2 Article 9, Clause 4, Point b Clause 5 Article 10, Clause 1 Article 42, Point c Clause 4 Article 78, Point a Clause 2, Point a Clause 3 Article 79 and Clause 1 Article 80, Point a Clause 2 Article 82, Clauses 2 and 3 Article 99, Points g, m and n Clause 3 Article 102, Clause 3 Article 104, Clause 2 and Point a Clause 3 Article 106 hereof;

c) Directors of provincial-level Public Security Departments shall have the power to impose penalties for the administrative violations in Article 9, Clause 4, Point b Clause 5 Article 10, Article 14, Article 21, Clauses 1, 3 and 4 Article 42, Article 77, Point c Clause 4 Article 78, Point b Clause 4 Article 79, Article 80, Article 81, Point a Clause 2 Article 82, Clauses 2 and 3 Article 99, Clause 3 Article 100, Article 101, Points g, m and n Clause 3 Article 102, Clause 3 Article 104, Clause 2 and Point a Clause 3 Article 106 hereof;

d) Directors of Department of Cybersecurity and Hi-tech Crime Prevention and Control, Police Department for Investigation into Social Order-related Crimes, Police Department for Investigation into Corruption, Economy and Smuggling-related Crimes, Police Department for Administrative Management of Social Order, Police Department for Investigation into Drug-related Crimes, Internal Political Security Department, and Economic Security Department shall have the power to impose penalties for the administrative violations in Article 9, Clause 4, Point b Clause 5 Article 10, Article 14, Article 19, Article 42, Point c Clause 4 Article 78, Point a Clause 2, Point a Clause 3, Point b Clause 4 Article 79, Article 80, Article 81, Point a Clause 2 Article 82, Clauses 4 and 5 Article 95, Clauses 2 and 3 Article 99, Clause 3 Article 100, Article 101, Points g, m and n Clause 3 Article 102, Clause 3, Point c Clause 6 Article 104, Clause 2 and Point a Clause 3 Article 106 hereof;

dd) Director General of Immigration Department shall have the power to impose penalties for the administrative violations in Point b Clause 9 Article 14, Point b Clause 4 Article 19, Point b Clause 4 Article 77, and Clause 3 Article 80 hereof.

### 3. Border guard forces:

a) Soldiers of border guard forces, heads of police stations and leaders of those soldiers shall have the power to impose penalties for the administrative violations in Clause 1 Article 57 and Clause 1 Article 58 hereof;

b) Heads of border-guard posts, commanders of border-guard flotillas, commanders of border-guard sub-zones, and commanders of port border guards shall have the power to impose penalties for the administrative violations in Article 9, Article 57 and Clauses 1, 2, and Points a, b, c, d, dd Clause 3, Points a, b, c, d, dd, e, g Clause 4 Article 58 hereof;

c) Commanders of provincial-level border guard forces and commanders of border guard fleets affiliated to the Border Guard High Command shall have the power to impose penalties for the administrative violations in Articles 9, 19, 57 and 58 hereof.

4. Coast guard forces:

- a) Coast guard officers on duty shall have the power to impose penalties for the administrative violations in Clause 2 Article 58 and Clause 1 Article 71 hereof;
- b) Coastguard team leaders shall have the power to impose penalties for the administrative violations in Clause 2, Point a and b Clause 3 Article 58, Clause 1 Article 71 hereof;
- c) Coastguard squad leaders and captains of coastguard stations shall have the power to impose penalties for the administrative violations in Clause 1 Article 9; Clause 2, Points a, b, c and d Clause 3 Article 58, Clause 1 Article 71 hereof;
- d) Commanders of coastguard platoons shall have the power to impose penalties for the administrative violations in Clause 1 Article 9, Clause 2, Points a, b, c, d and dd Clause 3 Article 58, Clause 1 Article 71 hereof;
- dd) Commanders in chief of coastguard squadrons shall have the power to impose penalties for the administrative violations in Clauses 1 and 2 Article 9, Clause 2 Article 42, Clause 2, Points a, b, c, d, dd and e Clause 3 Article 58, Clause 1 Article 71 hereof;
- e) Commanders of Regional Coast Guards and Commanders of Coastguard Headquarters shall have the power to impose penalties for the administrative violations in Articles 8, 9, and 19, Clause 2, Point a Clause 3 and Clause 6 Article 42, Clauses 2 and 3 Article 58, Clause 1 Article 71 hereof.

5. Customs authorities shall have the power to impose penalties and remedial measures according to Article 41 of the Law on penalties for administrative violations for the administrative violations in Articles 9 and 10, Article 51, Clauses 2 and 3 Article 64, Articles 67 and 68, Clauses 2, 3 and 5 Article 69, Clauses 2, 3, 4 and 5 Article 70, Articles 76 and 93 hereof.

6. Financial inspectorates and tax authorities shall have the power to impose penalties and remedial measures according to Article 44 of the Law on penalties for administrative violations for the administrative violations in Articles 9, 34, 56, 76, 92 and 112 hereof.

7. Market surveillance forces shall have the power to impose penalties and remedial measures according to Article 45 of the Law on penalties for administrative violations for the administrative violations in Clause 3 and 4 Article 7, Clause 2 and 3 Article 8, Article 9 and 20, Clause 2 and 5 Article 25, Article 33 and 51, Clause 1, Point a and b Clause 4, Point b and c Clause 5, Point d Clause 6 Article 55, Articles 56, 68, 69, 70 and 76, Clause 2, Point b Clause 3 Article 77, Clause 2 Article 92, Article 93 hereof.

**Article 121. Power to record administrative violations**

The persons mentioned in Articles 114, 115, 116, 117, 118 and 119 hereof, officials, public employees and persons of people's army force or people's police force who are on duty or performing their assigned duties and powers in postal services, telecommunications, radio

frequencies, information technology and electronic transactions shall have the power to record administrative violations as prescribed.

## **Chapter IX**

### **IMPLEMENTATION PROVISIONS**

#### **Article 122. Effect**

1. This Decree comes into force as from April 15, 2020.
2. The Government's Decree No. 174/2013/ND-CP dated November 13, 2013 on penalties for administrative violations in postal services, telecommunications, information technology and radio frequency sectors and Article 2 of Government's Decree No. 49/2017/ND-CP dated April 24, 2017 providing amendments to Article 15 of the Government's Decree No. 25/2011/ND-CP dated April 06, 2011 elaborating and guiding the implementation of the Law on Telecommunications, and Article 30 of the Government's Decree No. 174/2013/ND-CP dated November 13, 2013 on penalties for administrative violations in postal services, telecommunications, information technology and radio frequency sectors are abrogated.

#### **Article 123. Transition**

1. Administrative violations in postal service, telecommunications, radio frequencies, information technology and electronic transactions sector which have been recorded before this Decree takes effect shall be handled in accordance with Government's Decrees on penalties for administrative violations in effect at the date on which the violation has been recorded.
2. Administrative violations in postal service, telecommunications, radio frequencies, information technology and electronic transactions sector which have been recorded on or after the date when this Decree takes effect shall be handled in accordance with this Decree.
3. Administrative violations in postal service, telecommunications, radio frequencies, information technology and electronic transactions sector which have been committed before this Decree takes effect but not yet handled shall be handled in accordance with this Decree if this Decree stipulates less serious legal liabilities.

#### **Article 124. Responsibility for implementation**

The Minister of Information and Communications shall instruct and organize the implementation of this Decree.

Ministers, heads of ministerial agencies, heads of Governmental agencies and Chairpersons of provincial-level People's Committees shall implement this Decree./.

**ON BEHALF OF THE GOVERNMENT  
THE PRIME MINISTER**

**Nguyen Xuan Phuc**