

**THE MINISTRY OF
INFORMATION AND
COMMUNICATIONS OF
VIETNAM**

No: 08/2024/TT-BTTTT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

Hanoi, July 10, 2024

CIRCULAR

ELABORATING REGULATIONS ON TELECOMMUNICATIONS WHOLESALING

Pursuant to Law on Telecommunications dated November 24, 2023;

Pursuant to Law on Prices dated June 19, 2023;

Pursuant to Decree No. 48/2022/ND-CP dated July 26, 2022 of the Government on functions, tasks, powers, and organizational structure of the Ministry of Information and Communications;

At the request of Director General of Department of Telecommunications;

The Minister of Information and Communications issues a Circular elaborating regulations on telecommunications wholesaling.

Article 1. Scope

1. This Circular shall elaborate Clause 3 of Article 16 and Point d of Clause 3 of Article 17 of the Law on Telecommunications No. 24/2023/QH15 on telecommunications wholesaling (hereinafter referred to as wholesaling).

2. The following services do not fall under the scope of this Circular:

- a) Leasing cable networks in buildings and passive telecommunications technical infrastructure;
- b) Basic telecommunications services on the Internet;
- c) Data center services, cloud computing services.

Article 2. Regulated entities

This Circular applies to:

- 1. State regulatory agency involved in telecommunications wholesaling.
- 2. Telecommunications enterprises that directly or indirectly participate in wholesaling.

Article 3. Term interpretation

For the purposes of this Law, the terms below are construed as follows:

1. Wholesaler means telecommunications enterprises engaging in wholesale in accordance with clause 1 of Article 16 of Law on telecommunications.
2. Wholesale buyer means enterprises renting, using all or part of a telecommunications network, purchasing bandwidth, services from the wholesaler to provide telecommunications services.
3. *Wholesale service agreement means an economic and technical agreement between telecommunications enterprises engaging in wholesaling.*

Article 4. Telecommunications wholesaling

1. Ensuring the service provision at fair and reasonable prices and relevant conditions without discrimination as follows:

- a) Providing prices and relevant terms and conditions in a fair, reasonable and non-discriminatory manner.
- b) No discrimination between independent accounting units within the enterprise, subsidiary companies of the enterprise, business partners of the enterprise, and other wholesale buyers.
- c) The selling prices, service terms, and conditions must be reasonably established based on factors: Service provision costs; Quantity, quality, scope, method, time, location of services provided; Payment terms, duration of service package as stipulated in the contract; Exclusive factors, technology, customer segments.

2. Giving information on prices, telecommunications technical standards, network quality, telecommunications services as follows:

- a) Implementing procedures for declaring prices and listing service prices as required by price laws.
- b) Giving information on telecommunications technical standards, network quality, telecommunications services, as well as specific terms and conditions for providing and using services.
- c) Giving information on the model of service agreement when participating in telecommunications wholesaling (hereinafter referred to as the "model agreement") as stipulated in Articles 5 and 6 of this Circular.

Article 5. Public disclosure of the model agreement

1. Within a 30-day period from the date of signing the wholesale service agreement with the wholesaler for telecommunications service under the List of telecommunications service markets under management of the State, the wholesaler, who is a telecommunications enterprise with a dominant position, must develop and publicly disclose the model agreement.

2. Non-dominant telecommunications enterprise may independently develop their model agreement following regulations of Article 4 of this Circular.

If the non-dominant telecommunications enterprise fails to reach a wholesale service agreement with a wholesaler, the enterprise shall develop the model agreement and publicly disclose the agreement content as specified in clause 1 of this Article.

3. The model agreement must include the contents specified in clause 2 of Article 6 of this Circular.

4. The wholesale enterprise must re-disclose the model agreement in accordance with clauses 1, 2, and 3 of this Article upon making any amendments to the model agreement.

Article 6. Contents of the wholesale service agreement

1. The wholesale service agreement must:

a) Be documented, including all details about price, service quality standards, and other terms and conditions that the wholesaler is willing to provide.

b) Be written clearly, consistently, and specifically in accordance with the corresponding service names to ensure that the wholesale buyer will only purchase wholesale services under List of telecommunications service markets under management of the State.

2. The wholesale service agreement must include:

a) Requirement and rules for service provision;

b) Procedures and documentation for service provision;

c) Description of the services, including technical specifications (network configuration information when necessary for effective network access).

d) Service quality standards, including minimum service quality indicators that have been publicly announced.

dd) Operational and technical requirements that the wholesale buyer must adhere to in order to avoid causing harm to the network of the wholesaler;

e) Details about telecommunications connection as per the regulations of the Ministry of Information and Communications (in the case of network leasing).

- g) Pricing terms and reconciliation procedures, payment of service charges.
- h) Form of payment of service charges.
- i) Implementation process upon changing (adding, cutting down) services;
- k) Infrastructure safety and information security solutions;
- j) Regulations on information security and data privacy rights used in the provision and use of services.
- m) Other rights and obligations of the wholesale buyer/wholesaler (if any);
- n) Regulations on termination of Agreement, compensation for damages in case either party fails to fulfill commitments in the agreement.
- o) Resolution of disputes, compensations, complaints;
- p) Contact information.

3. The wholesaler shall send a written document to the Ministry of Information and Communications (Department of Telecommunications) if they need specific guidance on the contents of the wholesale service agreement.

Article 7. Effect and implementation

1. This Circular comes into force from August 23, 2024.
2. Chief of Office, Director of Department of Telecommunications, Heads of agencies and units affiliated to the Ministries; Chairmen, General Directors, Directors of telecommunications enterprises, and relevant agencies, organizations and individuals are responsible for implementing this Circular.
3. Any problems that arise during implementation process should be report the Ministry of Information and Communications (Department of Telecommunications) for review and resolution./.

**PP. MINISTER
DEPUTY MINISTER**

Nguyen Huy Dung

