

THE GOVERNMENT

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Independence - Freedom - Happiness

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DECREE

ELABORATION OF SOME ARTICLES AND MEASURES FOR ENFORCEMENT OF LAW ON TELECOMMUNICATIONS

Pursuant to the Law on Government Organization dated June 19, 2015; the Law dated November 22, 2019 on Amendments to the Law on Government Organization dated June 19, 2015 and the Law on Local Government Organization;

Pursuant to the Law on Telecommunications dated November 24, 2023;

Pursuant to the Law on Radio Frequencies dated November 23, 2009; the Law on amendments to the Law on Radio Frequencies dated November 09, 2022;

Pursuant to the Law on Fees and Charges dated November 25, 2015;

Pursuant to the Law on Technical Regulations and Standards dated June 29, 2006;

Pursuant to the Law on Quality of Products and Goods dated November 21, 2007;

At the request of the Minister of Information and Communications;

The Government promulgates Decree on elaboration of some articles and measures for enforcement of Law on Telecommunications.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree elaborates clause 8, Article 5; clause 3, Article 11; points h, k and m, clause 2, Article 13; point d, clause 4, Article 13; clause 1, Article 17; clause 6, Article 19; clause 6, Article 20; clause 4, Article 21; point b, clause 2, Article 22; clause 4, Article 23; point d, clause 2 and clause 3, Article 28; point h, clause 2 and clause 5, Article 29; clause 5, Article 33; point b, clause 1, point b, clause 2, Article 36; point b, clause 2, Article 39; clause 3, Article 41; clause 4, Article 47; clause 4, Article 61; clause 3, Article 63; clause 10, Article 65 of the Law on Telecommunications regarding the following telecommunications activities:

- a) Provision of telecommunications services;
 - b) Telecommunications licenses;
 - c) Passive telecommunications technical infrastructure planning;
 - d) Telecommunications works.
2. Measures for enforcement of the Law on Telecommunications include:
- a) Settlement of disputes over provision of telecommunications services;
 - b) Fee for the right to operate telecommunications;
 - c) Technical regulations on and quality of telecommunications.

Article 2. Regulated entities

This Decree applies to Vietnamese and foreign organizations and individuals directly participating in or related to telecommunications in Vietnam.

Chapter II

PROVISION OF TELECOMMUNICATIONS SERVICES

Section 1. OWNERSHIP IN PROVISION OF TELECOMMUNICATIONS SERVICES

Article 3. Ownership in provision of telecommunications services

1. An organization or individual owning more than 20% of charter capital or total voting shares in a telecommunications enterprise shall not own more than 20% of charter capital or total voting shares of another telecommunication enterprise providing the same telecommunications service on the list of telecommunications services subject to ownership limits in provision of telecommunications services according to regulations of the Ministry of Information and Communications.
2. A telecommunications enterprise providing telecommunications services on the list of telecommunications services specified in clause 1 of this Article shall be responsible for sending a report to the Ministry of Information and Communications (via Viet Nam Telecommunications Authority) when there is any change in the list of organizations/individuals owning more than 20% of charter capital or total voting shares of the enterprise.

Section 2. ESTABLISHMENT OF TELECOMMUNICATIONS NETWORKS AND PROVISION OF TELECOMMUNICATIONS SERVICES

Article 4. Establishment of telecommunications networks

1. Establishment of a telecommunications network means investment and installation of telecommunications equipment or system or transmission lines for creation of telecommunications network.

2. Public telecommunications networks include:

a) Fixed terrestrial telecommunications network;

b) Fixed satellite telecommunications network;

c) Mobile terrestrial telecommunications network;

d) Mobile satellite telecommunications network;

dd) Other public telecommunications networks as prescribed by the Ministry of Information and Communications.

3. Private telecommunications networks specified in point b clause 5 Article 19 of the Law on Telecommunications include private telecommunications networks using wired transmission lines hired from telecommunications enterprises and having members of different agencies and organizations.

4. Private telecommunications networks specified in point d clause 5 Article 19 of the Law on Telecommunications include private telecommunications networks using radio frequency bands licensed to network owners and private telecommunications networks using satellite transmission lines.

Article 5. Classification of telecommunications services

1. Basic telecommunications services include:

a) Telephone service;

b) Message service;

c) Fax service;

d) Video conference service;

dd) Leased line service;

e) Data transmission service;

g) Transmission services for radio and television;

h) Transmission services for machine to machine connections;

- i) Virtual private network service;
- k) Internet connection service;
- l) Lease of all or part of telecommunications network;
- m) Additional telecommunications services of basic telecommunications services which are meant to offer additional features and utilities to telecommunications service users, are integral to and are provided together with basic telecommunications services;
- n) Other basic telecommunications services as prescribed by the Ministry of Information and Communications.

2. Value-added telecommunications services include:

- a) E-mail service;
- b) Voicemail service;
- c) Value-added fax service;
- d) Internet access service;
- dd) Internet access service;
- e) Cloud computing service;
- g) Basic telecommunications services on the Internet;
- h) Other value-added telecommunications services as prescribed by the Ministry of Information and Communications.

3. On the basis of technological characteristics, transmission methods, communication scope, methods of providing services and paying prices of services, telecommunications services specified in clauses 1 and 2 of this Article, such services may be specifically classified into or combined into specific types of services in association with the above-mentioned elements.

4. According to the classification of services prescribed in clauses 1, 2 and 3 of this Article, the market development and telecommunications management policies in each period, the Ministry of Information and Communications shall issue a list of telecommunications services.

Article 6. Telecommunications service market under the management of the State

A telecommunications service market under the management of the State means a telecommunications service market that meets the following criteria:

1. The telecommunications service market in which enterprises participate to provide services shall be licensed as per law on telecommunications.

2. Market concentration index shall be above 1800.

The market concentration index equals sum of the squares of market shares of enterprises participating in provision of services in such market and is determined by the following formula:

$$\text{Sum of the squares of market shares} = S_1^2 + S_2^2 + \dots S_{(n)}^2$$

Where: $S_1, \dots S_{(n)}$: market shares of enterprise 1 to n.

3. Revenue from service provision makes up at least 10% of total revenue of telecommunications services in the whole market.

Article 7. Market-leading telecommunications enterprises regarding telecommunications service markets under the management of the State

1. The market share of an enterprise operating in the telecommunications service market under the management of the State shall be expressed as a percentage (%) of one of the following indicators: telecommunications service revenue, quantity of active subscribers or quantity of units of other services sold compared to the total revenue from telecommunication services, total quantity of active subscribers or total quantity of units of other services sold of enterprises operating in the telecommunications service market.

2. A telecommunications enterprise is identified as a market-leading telecommunications enterprise if its market share accounts for 30% or more or it has significant market power in the telecommunications service market under the management of the State according to regulations in clause 3 of this Article.

3. A telecommunications enterprise is identified as a telecommunications enterprise having significant market power in the telecommunications service market under the management of the State if its market share accounts for from 10% to less than 30% in the telecommunications service market and it falls into one of the following cases:

a) Total assets on the previous year's financial statement account for 30% or more of total assets on the previous year's financial statements of telecommunications enterprises participating in the telecommunications service market;

b) Bandwidth of the North - South telecommunication line accounts for 30% or more of total bandwidth of the North - South telecommunication line of telecommunications enterprises participating in the telecommunications service market;

The bandwidth of the North - South telecommunication line is the designed bandwidth of the wired telecommunications transmission line that connects Hanoi, Da Nang and Ho Chi Minh city.

c) Regarding a telecommunications service market on the terrestrial mobile telecommunications network (hereinafter referred to as “terrestrial mobile telecommunications service”), in addition to the criteria specified in point a and point b of this clause, an enterprise is also identified as an enterprise having significant market power if it falls into one of the following cases:

The quantity of telecommunications service points with specific addresses owned and established by the enterprise accounts for 30% or more of the total quantity of telecommunications service points with specific addresses of telecommunications enterprises participating in the terrestrial mobile telecommunications service market;

The percentage of population covered by the enterprise's terrestrial mobile telecommunications network accounts for 90% or more of total population of Vietnam.

Article 8. Provision of telecommunications services

1. Provision of telecommunications service means use of equipment, establishment of a telecommunications equipment system in Vietnam for performance of one, some or all steps in initiation, processing, storage, extraction, transfer, routing, termination of information or resale of commercial telecommunications services to telecommunications service users through conclusion of contracts with telecommunications service users, telecommunications service agents, telecommunications enterprises.

2. Unless otherwise provided for by international treaties to which Vietnam is a signatory, the provision of telecommunications services (except for data center services, cloud computing services, and basic telecommunications services on the Internet) across borders for telecommunications service users in Vietnam shall be commercially agreed with Vietnamese telecommunications enterprises that have been granted licenses to provide telecommunications services, including international telecommunication services.

If telecommunications services are provided through fixed satellite telecommunications networks or mobile satellite telecommunications networks, telecommunications enterprises participating in commercial agreements with foreign organizations shall have plans to make sure all traffic of terminal devices of satellite subscribers generated within the territory of Vietnam passes through the Gateway located on the territory of Vietnam and is connected to public telecommunications networks.

Article 9. Resale of telecommunications services

Telecommunications services (except for data center services, cloud computing services, and basic telecommunications services on the Internet) are resold as follows:

1. Before an organization/individual resells telecommunications services that the organization/individual has the legal right to use on a fixed telecommunications network to telecommunications service users in a location with specific address and scope, the organization/individual is obliged to register their business and sign a telecommunications service agency contract with a telecommunication enterprise.

2. Before an enterprise resells telecommunications services that the enterprise has the legal right to use on a fixed telecommunications network to telecommunications service users in two locations or more with specific addresses and scope, the enterprise shall obtain a license to provide the corresponding type of telecommunications services.

3. Before an enterprise resells telecommunications services on a mobile telecommunications network in case where the enterprise has concluded contracts to provide and use these telecommunications services with service users or decides prices of telecommunications services provided for users, the enterprise shall obtain a license to provide the corresponding type of telecommunications services.

Before an enterprise resells telecommunications services on a mobile terrestrial telecommunications network, the enterprise reselling telecommunications services shall reach a written agreement on lease of the mobile terrestrial telecommunications network, purchase of telecommunications services and telecommunications traffic with a licensed enterprise to provide telecommunications services.

Article 10. Revenues from telecommunications services

1. Revenues from telecommunications services are revenues earned from provision of telecommunications services specified in Article 5 of this Decree and recorded according to the accounting law. Such revenues include:

a) Revenues from provision of telecommunications services for telecommunications service users (excluding revenues specified in points b, c and d of this clause);

b) Revenues from provision of telecommunications services for domestic telecommunications enterprises;

c) Revenues from provision of telecommunications services for foreign partners operating outside the territory of Vietnam;

d) Revenues from provision of public-utility telecommunications services for telecommunications service users that are beneficiaries of public-utility telecommunications services.

2. Revenues from telecommunications services specified in clause 1 of this Article shall be used to manage telecommunications operations, determine market shares of telecommunications enterprises, calculate amounts contributed by telecommunications enterprises to Vietnam Public-Utility Telecommunication Service Fund and serve as a basis for determination of the fee for the right to operate telecommunications.

Article 11. Management and use of repaid mobile telecommunications service cards and mobile SIM accounts

1. Repaid mobile telecommunications service cards include physical and non-physical cards.

a) Physical card refers to a card that exists in physical form and contains information about the card as prescribed in clause 2 of this Article

b) Non-physical card refers to a card that does not exist in physical form but still contains information about the card as prescribed in Clause 2 of this Article. Non-physical cards can be printed by card-issuing enterprises upon request.

2. Information on a repaid mobile telecommunications service card shall include:

a) Name of telecommunications enterprise (abbreviated name or commercial logo of the telecommunications enterprise);

b) Name or commercial brand of the card (if any);

c) Card number (including card code and serial number);

d) Face value, expressed in VND;

dd) Effective period that must not exceed 02 years;

e) In addition to the above-mentioned information, the telecommunications enterprise may provide for other information according to regulations of law.

3. A telecommunications enterprise issuing and using repaid mobile telecommunications service cards shall:

a) Maintain its capacity to provide services for customers; not issue repaid mobile telecommunications service cards without maintenance of capacity to provide services;

b) Manage the quantity and value of cards and card numbers (including card codes and serial numbers) issued to its agents, the status of activated or inactivated cards and implement anti-counterfeiting measures when issuing cards;

c) Issue internal procedures for management of issuance and use of repaid mobile telecommunications service cards, including regulations on responsibilities of relevant parties and comply with regulations of law;

d) Be responsible for implementation of measures for preventing and controlling the use of repaid mobile telecommunications service cards for illegal operations;

dd) Be responsible for implementation of measures for management and mechanisms for inspection, detection and prevention of risks of illegal conversion of SIM account balance into cash or other property. In case of detection of illegal conversion of mobile SIM account balance into cash or other property, the regulatory authority shall be notified.

4. A telecommunications enterprise shall take responsibility for management of mobile telecommunications services and information services on mobile telecommunications networks, paid by mobile SIM accounts. To be specific:

a) protect rights and interests of service users upon payment by mobile SIM accounts according to regulations of law and assume its responsibility in case any violations occur;

b) Fully, accurately, clearly and publicly provide services to be provided, prices, clauses and terms, rights and interests of users to service users.

c) Issue regulations on settlement and resolution of complaints and disputes of service users according to applicable laws;

d) Assume other responsibilities for cooperation in provision of information services on mobile telecommunications networks according to regulations of law on management, provision and use of Internet services and information on networks.

Article 12. Mobile number portability

1. Mobile number portability (terrestrial mobile network porting) means a function that allows a telecommunications subscriber (using H2H mobile subscriber numbers) of an enterprise providing mobile terrestrial telecommunications services (donor operator) to switch to services provided by another enterprise providing mobile terrestrial telecommunications services (recipient operator) while the number (including network code and subscriber number) is retained.

2. Network porting service means a commercial activity between the mobile terrestrial subscriber and the recipient operator in cooperation with another enterprise providing mobile terrestrial telecommunications services and the Network Porting Center.

Network Porting Center means a system of equipment created by the Ministry of Information and Communications to handle centralized network porting transactions and maintain a database on ported subscribers, thereby providing routing information according to professional network porting procedures applicable to mobile telecommunications enterprises.

3. The Network Porting Center operates in a non-profit manner. A unit assigned by the Ministry of Information and Communications to manage and operate the Network Porting Center (hereinafter referred to as “center- managing and operating unit”) shall:

a) maintain telecommunications infrastructure of the Network Porting Center for connection by enterprises;

b) provide routing information in the database on ported subscribers for organizations and enterprises that request routing to offer telecommunications services and telecommunications application services according to regulations of law;

c) take charge of and cooperate with the donor operator and the recipient operator in resolving customers' complaints related to network porting services when requested.

4. The enterprise providing mobile terrestrial telecommunications services shall:

a) provide network porting services at the same time as official provision of mobile terrestrial telecommunications services in a prompt manner on the basis of terms and conditions, and without discrimination against mobile terrestrial telecommunications subscribers;

b) Issue and publicly announce prices and terms of use of services, conditions and procedures for network porting. The network porting service prices shall be set so that the costs incurred by the enterprise and the costs of handling centralized network porting transactions are fully covered.

c) provide tools for subscribers to check their network portability. If the subscriber is not eligible for network porting, the donor operator shall provide detailed information on reason for ineligibility for network porting; compensation for damage and method of liquidating the contract signed with the subscriber (if any), in case where the signed contract does not contain regulations on compensation for damage and method of liquidating the contract upon network porting, the donor operator shall not refuse to allow the network porting on the ground that the subscriber has not liquidated the signed contract; and provide guidance on registration and network porting for the subscriber;

d) enable subscribers to online register network porting;

dd) verify the ported numbers to make sure that the recipient operator have paid the donor operator. The price for use of a ported number shall be the highest H2H mobile subscription price payable by the donor operator to a collecting authority.

5. The enterprise participating in network porting shall be responsible for paying the costs of handling centralized network porting transactions, on a lump sum basis, according to the quantity of network porting transactions conducted every month and annually paying the costs of maintaining the database on successfully ported subscribers and providing routing information to make sure that:

a) Charges for handling centralized network porting transactions arising in the month shall be negotiated by the parties so as to cover the actual and direct costs of the center-managing and operating unit;

b) Charges for maintaining the database on successfully ported subscribers and providing routing information shall be negotiated by the parties so as to cover the actual and direct costs of the center-managing and operating unit and divided by the quantity of subscriber numbers kept in the database on ported subscribers.

6. The recipient operator shall take responsibility for monthly reviewing and making a list of ported subscriber numbers that have been suspended from both outgoing and incoming calls for more than 30 days. Within the next 15 days from the time of review, the recipient operator shall

follow procedures for liquidating the contract, terminating provision of services for these subscriber numbers and returning them to the original enterprise of ported subscribers (the original enterprise is the enterprise to which the number block containing ported subscriber numbers is allocated), except for the case where subscriber numbers are allocated by auction.

7. If the recipient operator terminates provision of mobile terrestrial telecommunications services or has its license to provide mobile terrestrial telecommunications services revoked, the ported subscriber numbers shall be returned to the original enterprise (except for the case where subscriber numbers are allocated by auction).

8. If the original enterprise terminates provision of mobile terrestrial telecommunications services or has its licence to provide mobile terrestrial telecommunications services revoked, subscriber numbers ported and allocated to the original enterprise shall be allocated by the Ministry of Information and Communications (Department of Telecommunications) as follows:

a) In case the recipient operator is the enterprise providing mobile terrestrial telecommunications services with network infrastructure, the ported subscriber numbers shall be allocated to the recipient operator.

b) In case the recipient operator terminates is the enterprise providing mobile terrestrial telecommunications services without network infrastructure, the ported subscriber numbers shall be allocated to the enterprise providing mobile terrestrial telecommunications services with network infrastructure which is leasing out the mobile terrestrial telecommunications network and selling mobile terrestrial telecommunications services to the recipient operator. The enterprise allocated the ported subscriber numbers shall be responsible for subleasing these ported subscriber numbers to the recipient operator in a non-profit manner.

9. The Ministry of Information and Communications shall provide for conditions and procedures for network porting; responsibilities of participants in network porting; and technical procedures for network porting.

Article 13. Procedures for discontinuation of provision of telecommunications services

1. When a telecommunications enterprise that is not a telecommunications enterprise owning essential devices, a market-leading telecommunications enterprise or an enterprise included in a group of market-leading telecommunications enterprises regarding telecommunications service markets under the management of the State, or a public-utility telecommunications service provider discontinues providing some or all telecommunications services, it shall send a written notification of discontinuation of provision of services to the Ministry of Information and Communications (Department of Telecommunications) at least 30 days before the intended date of discontinuation.

2. When a telecommunications enterprise owning essential devices, a market-leading telecommunications enterprise or an enterprise included in a group of market-leading telecommunications enterprises regarding telecommunications service markets under the management of the State, or a public-utility telecommunications service provider discontinues

providing some or all telecommunications services directly related to essential devices, market-leading telecommunications services or public-utility telecommunications services but it does not terminate its operations, it shall send an application for permission for discontinuation of provision of telecommunications services to the Ministry of Information and Communications at least 60 days before the intended date of discontinuation. Within 30 days from the date of receipt of the valid application, the Ministry of Information and Communications shall respond in writing to the enterprise or the provider with the approval or refusal.

3. When a telecommunications enterprise owning essential devices, a market-leading telecommunications enterprise or an enterprise included in a group of market-leading telecommunications enterprises regarding telecommunications service markets under the management of the State, or a public-utility telecommunications service provider discontinues providing telecommunications services due to termination of its operations, it shall send an application for permission for discontinuation of provision of telecommunications services to the Ministry of Information and Communications at least 60 days before the intended date of discontinuation. Within 60 days from the date of receipt of the valid application, the Ministry of Information and Communications shall cooperate with relevant authorities in giving opinions about a plan to reorganize the enterprise or a plan for bankruptcy and dissolution of the enterprise and respond in writing to the enterprise. On the basis of the written response from the Ministry of Information and Communications, the enterprise shall be responsible for implementing the plan to reorganize the enterprise or the plan for bankruptcy and dissolution of the enterprise according to regulations of law.

4. The written notification of discontinuation of provision of telecommunications services specified in clause 1 of this Article shall be made according to Form No. 01 in the Appendix enclosed with this Decree and contain the following information:

a) services to be discontinued, starting time of discontinuation, reason for discontinuation, discontinuation scope;

b) measures and commitments to protect the legitimate rights and interests of telecommunications service users according to the signed contracts for provision and use of telecommunications services and of relevant parties.

5. An application for permission for discontinuation of provision of telecommunications services specified in clauses 2 and 3 of this Article includes:

a) A written request for discontinuation of provision of telecommunications services according to Form No. 02 in the Appendix enclosed with this Decree;

b) A report on provision of services expected to be discontinued: revenues, profits, output, market share, and number of service users;

c) Measures and commitments to protect the legitimate rights and interests of telecommunications service users according to the signed contracts for provision and use of telecommunications services and of relevant parties;

d) A plan to maintain the provision of alternative telecommunications services for telecommunications service users, transfer users to other enterprises that provide similar services or agree to compensate service users in case of discontinuation of provision of telecommunications service without termination of operations.

dd) A plan to reorganize the enterprise or plan for bankruptcy and dissolution of the enterprise, measures for continuing provision of telecommunications services for users in case of discontinuation of provision of telecommunications service due to termination of operations.

6. The telecommunications enterprise shall be responsible for notifying telecommunications service users and relevant parties of, and publicly announcing on mass media about discontinuation of provision of telecommunications services at least 30 days before official discontinuation.

7. In case where the license to provide telecommunications services must be modified due to discontinuation of provision of telecommunications, the Ministry of Information and Communications (Department of Telecommunications) shall request the telecommunications enterprise to modify its license as per law.

8. Within 30 days from the date of discontinuation of provision of telecommunications, the telecommunications enterprise shall be responsible for returning telecommunications resources that have been allocated regarding all or some discontinued services (if any).

Article 14. Settlement of disputes over provision of telecommunications services

1. Dispute over provision of telecommunications services refers to a dispute among telecommunications enterprises that directly arises during provision of telecommunications services. To be specific:

a) Dispute over sharing telecommunications infrastructure, except for the case specified in clause 2, Article 81 of this Decree;

b) Dispute over telecommunications purchase and sale.

2. Regarding disputes over provision of telecommunications services as prescribed in clause 1 of this Article, in addition to settlement of these disputes according to regulations of the law on civil procedure or other relevant laws, a telecommunications enterprise may request a telecommunications authority to settle disputes according to procedures as follows:

a) Within 30 days from the date of receipt of an application for settlement of disputes over provision of telecommunications services according to Form No. 03 in the Appendix enclosed with this Decree, the Ministry of Information and Communications (Department of Telecommunications) shall be responsible for settling disputes among the parties. The disputing parties shall be obliged to fully provide relevant information and evidences and participate in settlement of disputes. The settlement results shall be recorded in writing.

b) Within 15 days from the date on which the dispute settlement is completed, the Ministry of Information and Communications (Department of Telecommunications) shall issue a dispute settlement decision. The disputing parties shall be obliged to execute the dispute settlement decision even if they do not agree with the dispute resolution decision, and entitled to make complaints and file lawsuits in accordance with regulations of law.

3. Regarding disputes among telecommunications enterprises other than those specified in clause 1 of this Article, these disputes shall be settled in accordance with regulations of the law on civil procedure or other relevant laws.

Article 15. Assurance of cybersecurity in telecommunications activities

A telecommunications enterprise shall be responsible for ensuring cybersecurity in telecommunications activities as follows:

1. Implement measures for ensuring information system security according to regulations applicable to telecommunications networks; prevent, handle, respond to incidents and minimize risks of information insecurity and cyber attacks at the request of and under the direction of the Ministry of Information and Communications (Authority of Information Security).

2. Ensure network information security upon provision of telecommunications services for end users at the request of and according to instructions of the Ministry of Information and Communications.

3. Prevent or handle or cooperate in preventing and handling information that violates the law on telecommunications networks under its management at the request of the Ministry of Information and Communications (Authority of Information Security) and the Ministry of Public Security in accordance with regulations of law.

4. Ensure that network equipment meets technical standards and regulations on cybersecurity issued by the competent authority.

Section 3. AUTHENTICATION, STORAGE, USE OF INFORMATION ON TERRESTRIAL MOBILE SUBSCRIBERS AND HANDLING OF TERRESTRIAL MOBILE SIMS CONTAINING SUBSCRIBER INFORMATION CONTRARY TO REGULATIONS

Article 16. Methods of registering terrestrial mobile subscriber information

Terrestrial mobile subscriber information may only be registered by one of the following methods:

1. a) In person, at points directly owned or established by an enterprise providing mobile terrestrial telecommunications services (fixed or mobile points)

2. a) In person, at fixed points (with specific addresses) established by an enterprise that signs a contract for authorization for registration of subscriber information with the enterprise providing mobile terrestrial telecommunications services.

3. Online, by the use of an application owned by the enterprise providing mobile terrestrial telecommunications services. The online subscriber information registration only applies to the first 03 subscriber numbers in 01 document specified in Article 17 of this Decree. In case the subscriber information cannot be authenticated through the online registration application as prescribed in Article 18 of this Decree, it shall be registered in person at the points specified in clause 1 or clause 2 of this Article.

From time to time, when necessary, the Ministry of Information and Communications shall provide guidance on establishment of subscriber information registration points and online subscriber information registration.

Article 17. Documents used to register terrestrial mobile subscriber information

When registering telecommunications subscriber information used for mobile terrestrial telecommunications services, each organization/individual shall be responsible for presenting an original copy or a copy certified from the original copy or an electronic copy or a data message that has the same validity as the original copy of one of the following documents. To be specific:

1. Regarding telecommunications subscriber numbers used for terrestrial mobile telecommunications services that provide human-to-human communication (H2H mobile subscriber numbers):

a) A Vietnamese citizen shall present an unexpired ID card or citizen ID card or electronic identification or electronic identification account (VNeID) or other documents used to conduct civil transactions according to regulations of law). Telecommunications enterprises can access the National Population Database to reference and authenticate subscriber information according to Article 18 of this Decree.

b) A foreign national shall present an unexpired passport that can be used in Vietnam according to entry visa or maximum stay period (in case of visa-exempt countries) or electronic identification account as per law.

c) A winner of the H2H mobile subscriber number auction shall, in addition to the documents specified in point a of this clause, present documents as prescribed by law on management of telecommunications numbers to confirm the ownership of the subscriber numbers purchased at auction.

d) In case an organization registers subscriber information, each individual of the organization assigned to use subscription SIM shall register and authenticate subscriber information.

2. Regarding telecommunications subscriber numbers used for terrestrial mobile telecommunications services without provision of human-to-human communication:

- a) An individual shall present the documents specified in clause 1 of this Article.
 - b) An organization shall present documents proving juridical person as prescribed by the civil law or establishment registration documents as prescribed by law (hereinafter referred to as organizational documents) and identity documents of its legal representative. In case the person registering subscriber information is not the legal representative of the organization, he/she shall present a legal authorization document from the legal representative and his/her identity documents.
3. Regarding a person who is under 6 years of age or has not yet been issued with identity documents as prescribed in point a, clause 1 of this Article, his/her parent or guardian shall register subscriber information. Regarding a person who is from 6 years of age to under 15 years of age and has been issued with identity documents as prescribed in point a, clause 1 of this Article, he/she can register subscriber information but must obtain the written consent from his/her parent or guardian, including electronic format or another verifiable format.

In addition to the documents as prescribed in point a, clause 1, point a, clause 2 of this Article, the parent or guardian is responsible for presenting documents proving the relationship as prescribed by law.

Article 18. Authentication of terrestrial mobile subscriber information

After receiving documents used to register subscriber information (in person or online), an enterprise shall:

- 1. Make comparison and inspect documents in order to verify that the information written on such documents is consistent with the factual information on the individual/organization that has signed the contract and registered information as per law.
- 2. Implement measures for authenticating terrestrial mobile subscriber information (both in-person and online registration) to meet at least the following requirements:
 - a) Authenticate information and make sure that at least 03 information fields, including personal identification number; surname, middle name and given name; date of birth on the ID document of the Vietnamese citizen specified in point a, clause 1, Article 17 of this Decree match those on the National Population Database.
 - b) Upon registration and activation of the second H2H SIM onwards, authenticate information via a one-time passcode (OTP code) sent to the previously registered and activated SIM
 - c) Collect, inspect and verify customer identification information during the subscriber information registration through video call which has the same effectiveness as identification and verification of a customer's identity by meeting the customer in person; video call shall ensure safety and confidentiality as per law, have high resolution and uninterrupted signal, allow real-time audio-visual contact with the customer to ensure the identification of customer, and show

images of the transaction staff and the customer registering terrestrial mobile subscriber information;

d) In each period, the Ministry of Information and Communications shall preside over and cooperate with the Ministry of Public Security in providing guidance on authentication of terrestrial mobile subscriber information (including research and additional authentication of the portrait information field on the ID document in comparison with the National Population Database).

3. Refuse to enter into a contract or provide services for any individual/organization that presents illegal or unclear documents used to register subscriber information or does not ensure that such documents are clearly and sharply digitized, and contain full information or shows documents whose information is not consistent with the National Population Database after authentication or cannot be authenticated.

Article 19. Terrestrial mobile subscriber information

Terrestrial mobile subscriber information includes:

1. Surname, middle name and given name; date of birth; personal identification number or passport number or electronic identification number.
2. Address on the document used to register subscriber information.
3. Telecommunication subscriber number.
4. Other information provided by the user when he/she signs a contract with the enterprise:
 - a) Information written on the document used to register subscriber information;
 - b) All digitized documents used to register subscriber information;
 - c) Portrait photo of the person registering subscriber information, containing time on which the photo is taken;
 - d) Digitized verification of terrestrial mobile subscriber information.
5. Full name of transaction staff; time of registration of subscriber information; address and contact phone number of the point (in case of in-person registration).
6. Digitized standard form contract or standard form contract.

Article 20. Provision of telecommunications services for terrestrial mobile subscribers after subscriber information registration

A telecommunications enterprise may only provide telecommunications services for a terrestrial mobile subscriber after the following requirements are fully met:

1. The terrestrial mobile subscriber has completely registered subscriber information according to regulations.
2. The enterprise has completely authenticated and stored terrestrial mobile subscriber information in a full and accurate manner as per law.

Article 21. Registration of terrestrial mobile subscriber information by individuals and organizations using prepaid mobile subscriber numbers of each mobile telecommunications network

1. Regarding the first 03 subscriber numbers, each individual/organization shall present documents and sign a written or electronic confirmation of subscriber information. The subscriber information confirmation contains subscriber information specified in Article 19 of this Decree.
2. Regarding the fourth subscriber number onwards, a standard form contract shall be signed with an enterprise providing terrestrial mobile telecommunications services at a fixed point established by such enterprise.

Article 22. Storage of terrestrial mobile subscriber information

1. Telecommunications enterprises shall be responsible for making sure that subscriber information registration points and applications fully comply with regulations on authentication and storage of subscriber information; and be fully responsible to the law for the fact that the subscriber information is authenticated, stored and managed at such points and applications in accordance with regulations.
2. Each telecommunications enterprise shall be responsible for establishment of a technical system, a centralized database on subscriber information so as to enter, store and manage information throughout the period on which a subscriber uses service, including the subscriber information specified in Article 19; the commencement date when the service is available for the subscriber; subscriber status: active, one-way deactivation (only receiving incoming calls) or two-way deactivation (this subscriber number can neither make nor receive calls); the quantity of subscriber numbers that are being used by the individual/organization; date of termination of service in case where the subscriber terminates the service. The information concerning subscribers that terminate services shall be stored in the database within duration of at least 2 years.
3. The telecommunications enterprise shall connect its centralized subscriber information database with the National Population Database to authenticate identity documents.
4. The telecommunications enterprise shall be responsible for fully providing information; proving that the subscriber information stored in its centralized database has been compared,

authenticated, entered, stored, and managed in accordance with regulations; arranging personnel and technical facilities at its local branches to serve inspection and examination of subscriber information on local individuals and organizations that have signed contracts.

5. The telecommunications enterprise shall be responsible for protecting confidentiality of subscriber information as per law.

Article 23. Use of terrestrial mobile subscriber information

The terrestrial mobile subscriber information may only be used for the following purposes:

1. Maintaining national defense and security, social order and safety.
2. Serving state management of telecommunications.
3. Serving professional management, access to networks and provision of telecommunications services by telecommunications enterprises providing terrestrial mobile telecommunications services for subscribers.

Article 24. Responsibilities of terrestrial mobile subscribers

1. Be responsible to the law for the legality of documents used to register terrestrial mobile subscriber information and the use of subscriber numbers corresponding to documents provided by organizations and individuals and used to register terrestrial mobile subscriber information.
2. Individuals shall only enter into standard form contracts or contracts containing general terms and conditions for use of subscriber numbers of their own, of their biological or adopted children under 15 years old and their wards as prescribed by law; for personal or family equipment. Organizations shall only enter into standard form contracts or contracts containing general terms and conditions for use of subscriber numbers provided to their employees and equipment.
3. Assume their responsibilities to the law for use of subscriber numbers provided;
4. Request telecommunications enterprises to update their subscriber information as regulated in case there is any change in their identity documents presented when they conclude contracts or they conduct self-inspection of their subscriber information and detect that it is incorrect or receive notification from enterprises providing terrestrial mobile telecommunications services of subscriber information contrary to regulations.
5. Request enterprises providing terrestrial mobile telecommunications services to finalize standard form contracts or contracts containing general terms and conditions applicable to subscriber numbers using information on subscribers' identity documents or organizational documents.
6. Have the provision of services associated with subscriber numbers suspended or terminated if the information is illegal.

Article 25. Responsibilities of telecommunications enterprises to handle subscribers having illegal terrestrial mobile subscriber information

1. When reviewing, detecting or receiving a notification from a regulatory authority of a terrestrial mobile subscriber having illegal subscriber information, an enterprise providing terrestrial mobile telecommunications services shall be responsible for continuously notifying within 05 days, at least once a day, and requesting the individual/organization to re-enter into a contract as regulated. In case the individual or organization does not comply with the request, the provision of one-way telecommunications service (only receipt of incoming calls) will be suspended after 15 days from the first date on which the notification is sent, and the subscriber will be notified that the provision of two-way telecommunications service will be suspended after the next 15 days if the request is not complied with; the provision of two-way telecommunications service will be suspended after 15 days from the date of suspension of the provision of one-way telecommunications service, and the subscriber will be notified that the contract will be liquidated and the provision of telecommunications service will be terminated if the request is not complied with; the contract will be liquidated and the provision of telecommunications service will be terminated after 05 days from the date of suspension of the provision of two-way telecommunications service if the individual or organization does not comply with the request.

In each period, when necessary, the Ministry of Information and Communications shall provide guidance on the handling of subscribers whose terrestrial mobile subscriber information is illegal.

2. The enterprise shall regularly make reviews. When detecting or receiving a written notification from the regulatory authority of any subscriber having illegal subscriber information, it shall notify all subscribers under the same standard form contract or the same contract containing general terms and conditions with that subscriber, and request re-conclusion of the contract as per law.

3. The standard form contract or the contract containing general conditions for provision of terrestrial mobile telecommunications services shall provide for contract liquidation and termination of provision of services for terrestrial mobile subscribers that fail to re-register subscriber information.

4. Regarding subscriber numbers associated with contracts that have expired or telecommunications services that have been terminated as per law, the enterprise providing terrestrial mobile telecommunications services is entitled to provide them to other individuals and organizations, except for subscriber numbers that are allocated through auction.

5. The enterprise shall inspect or instruct the individual/organization to conduct self-inspection of their terrestrial mobile subscriber information on its application or send a text message with the syntax "TTTB" combined with "identity document number" to 1414, and send back a message notifying the individual/ organization of at least the following information: full name; date of birth; list of all subscriber numbers that are being used by the individual (in case of individual subscribers); name of the organization, organizational document number (in case of

organizational subscribers). The inspection shall be conducted in a manner that protects confidentiality of the information in order to make sure that the individual/organization may only inspect information on their own subscriber numbers and cannot inspect information on subscriber numbers of other individuals and organizations.

In each period, when necessary, the Ministry of Information and Communications shall provide guidance on self-inspection of terrestrial mobile subscriber information by organizations and individuals.

6. The contract shall be re-concluded at the request of the subscriber number user if the user wishes to update and standardize their subscriber information.

7. When receiving requests from individuals or organizations for termination of the provision of telecommunications services for subscriber numbers associated with information on their identity documents or organizational documents, the enterprise shall conduct verification and notify subscribers to update their subscriber information according to clause 1 of this Article, and send results to the requesters.

8. The enterprise shall post, on its application and website, a list of subscriber information registration points located in each province/city as prescribed in clause 1 and clause 2, Article 16 of this Decree, including at least the following information: name and address of the point; type (fixed or mobile point of the telecommunications enterprise, or authorized point); name of the authorized enterprise; time limit for authorization; contact phone number; operation time (for mobile points); name and link for the download of the subscriber information registration application in case of online registration.

Section 4. PROVISION OF BASIC TELECOMMUNICATIONS SERVICES ON THE INTERNET AND DATA CENTER SERVICES, CLOUD COMPUTING SERVICES

Article 26. Registration, storage and management of information on users of basic telecommunications services on the Internet

1. When entering into a contract to provide and use basic telecommunications services on the Internet, a service user shall provide at least the following information: name of service registrant, mobile phone number (in case the mobile phone number is used to identify the service user), other identification information of the service user (in case the mobile phone number is not used to identify the service user).

2. An enterprise providing basic telecommunications services on the Internet shall:

a) Identify the service user via their mobile phone number (in case the mobile phone number is used to identify the service user) or via other identification information of the service user (in case the mobile phone number is not used to identify the service user) before provision of services;

b) Store the information provided by the service user when concluding the contract specified in clause 1 of this Article and information about the user's use of services. The period of storage and provision of information for the regulatory authority shall comply with regulations of the cybersecurity law.

Article 27. Rights and obligations of foreign organizations providing basic telecommunications services on the Internet across borders for users within the territory of Vietnam

1. Foreign organizations are entitled to provide basic telecommunications services on the Internet across borders for telecommunications service users within the territory of Vietnam and have rights specified in clause 2 Article 62 of the Law on Telecommunications and other rights as prescribed by relevant laws.

2. A foreign organization providing basic telecommunications services on the Internet across borders for users within the territory of Vietnam has the following obligations:

- a) Notify the provision of services according to Article 45 of this Decree;
- b) Comply with regulations in clauses 3 and 6 Article 5, Article 6, Article 9, points b, d, l clause 2 Article 13, clause 3 Article 20, points d, dd, e clause 2 Article 28, point a clause 2 Article 40 of the Law on Telecommunications and Article 26 of this Decree;
- c) Comply with requests made by the regulatory authority for protection of cybersecurity as per law;
- d) Fulfill other obligations according to relevant laws.

Article 28. Registration, storage and management of information on users of data center services and cloud computing services

1. When entering into a contract to provide and use data center services and cloud computing services, a service user shall provide at least the following information:

- a) Regarding an individual user: full name, phone number or email address;
- b) Regarding an organizational user: name, address, contact information (full name, phone number or email address).

2. Enterprises providing data center services and cloud computing services shall store information specified in clause 1 of this Article. The storage period shall comply with the cybersecurity law.

Article 29. Rights and obligations of foreign organizations providing data center services and cloud computing services across borders for users within the territory of Vietnam

1. Foreign organizations are entitled to provide data center services and cloud computing services across borders for telecommunications service users within the territory of Vietnam and have rights specified in clause 2 Article 62 of the Law on Telecommunications and other rights as prescribed by relevant laws.

2. A foreign organization providing data center services and cloud computing services across borders for telecommunications service users within the territory of Vietnam has the following obligations:

a) Notify the provision of services according to Article 45 of this Decree;

b) Comply with regulations in clauses 3 and 6 Article 5, Article 6, Article 9, points b, d clause 2 Article 13, clause 3 Article 20, points dd, e, g, h, i clause 2 Article 29, point a clause 2 Article 40 of the Law on Telecommunications and Article 28 of this Decree;

c) Fulfill other obligations according to relevant laws.

Article 30. Provision of data center services and cloud computing services for operations of regulatory authorities

1. Regulatory authorities' data associated with data center services and cloud computing services may only be stored in Vietnam.

2. Information systems serving the provision of data center services and cloud computing services for regulatory authorities shall fully comply with regulations on law on protection of cybersecurity when they are put into operation.

3. Enterprises providing data center services and cloud computing services for regulatory authorities shall be responsible for cooperation, provision of full information, design in technical infrastructure, and implementation of measures for assurance of information security for operation and protection of information systems for service-leasing units if requested to take measures for maintaining information system security in accordance with regulations of law on cybersecurity.

Chapter III

TELECOMMUNICATIONS LICENSES

Article 31. Charter capital and conditions for deployment of telecommunications network for establishment of fixed terrestrial public telecommunications network

1. An enterprise applying for a license for provision of telecommunications services with network infrastructure or a fixed terrestrial public telecommunications network without use of radio frequency band, shall meet conditions for charter capital and deployment of telecommunications network. To be specific:

a) Establishment of the telecommunications network within a province/central-affiliated city:

Charter capital: It shall be at least 05 billion VND and fully contributed according to regulations of the law on enterprises.

Conditions for deployment of the telecommunications network: Commit to invest in the network with total investment capital of at least 15 billion VND within the first 3 years from the date on which a license for establishment of the telecommunications network is issued.

b) Establishment of the telecommunications network within an area (from 02 to 30 provinces/central-affiliated cities):

Charter capital: It shall be at least 30 billion VND and fully contributed according to regulations of the law on enterprises.

Conditions for deployment of the telecommunications network: Commit to invest in the network with total investment capital of at least 100 billion VND within the first 3 years from the date on which a license for establishment of the telecommunications network is issued.

c) Establishment of nationwide telecommunications network (over 30 provinces and centrally-run cities):

Charter capital: It shall be at least 100 billion VND and fully contributed according to regulations of the law on enterprises.

Conditions for deployment of the telecommunications network: Commit to invest in the network with total investment capital of at least 300 billion VND within the first 3 years from the date on which a license for establishment of the telecommunications network is issued.

2. An enterprise applying for a license for provision of telecommunications services with network infrastructure or a fixed terrestrial public telecommunications network using radio frequency band, shall meet conditions for charter capital and deployment of telecommunications network. To be specific:

a) Establishment of the telecommunications network within an area (from 02 to 30 provinces/central-affiliated cities):

Charter capital: It shall be at least 100 billion VND and fully contributed according to regulations of the law on enterprises.

Conditions for deployment of the telecommunications network: Commit to invest in the network with total investment capital of at least 300 billion VND within the first 3 years from the date on which a license for establishment of the telecommunications network is issued.

b) Establishment of nationwide telecommunications network (over 30 provinces and centrally-run cities):

Charter capital: It shall be at least 300 billion VND and fully contributed according to regulations of the law on enterprises.

Conditions for deployment of the telecommunications network: Commit to invest in the network with total investment capital of at least 1000 billion VND within the first 3 years from the date on which a license for establishment of the telecommunications network is issued.

3. In case the enterprise applies for issuance of a license for provision of telecommunications services with network infrastructure specified in clause 1 and clause 2 of this Article and using radio frequency band or radio frequency channel granted through an auction or examination for enjoyment of the right to use radio frequency or re-issuance of a frequency band use license, the conditions for deployment of telecommunications network shall be fulfilled according to the commitment to deploy telecommunications network upon participation in the auction or examination for enjoyment of the right to use radio frequency or application for re-issuance of the frequency band use license in accordance with the law on radio frequencies.

Article 32. Charter capital and conditions for deployment of telecommunications network for establishment of mobile terrestrial public telecommunications network

1. An enterprise applying for a license for provision of telecommunications services with network infrastructure or a mobile terrestrial public telecommunications network using radio frequency band granted through an auction or examination for enjoyment of the right to use radio frequency or reissuance of a frequency band use license, shall meet conditions for charter capital and deployment of telecommunications network. To be specific:

a) Charter capital: It shall be at least 500 billion VND and fully contributed according to regulations of the law on enterprises.

b) Conditions for deployment of the telecommunications network: Deploy the telecommunications network according to a commitment to deploy telecommunications network upon participation in the auction or examination for enjoyment of the right to use radio frequency or application for re-issuance of the frequency band use license in accordance with the law on radio frequencies.

2. An enterprise applying for a license for provision of telecommunications services with network infrastructure or a mobile terrestrial public telecommunications network using radio frequency channel, shall meet conditions for charter capital and deployment of telecommunications network. To be specific:

a) Charter capital: It shall be at least 20 billion VND and fully contributed according to regulations of the law on enterprises.

b) Conditions for deployment of the telecommunications network: Commit to invest in the network with total investment capital of at least 60 billion VND within the first 3 years from the date on which a license for establishment of the telecommunications network is issued.

In case the enterprise applies for issuance of a license for provision of telecommunications services with network infrastructure or a mobile terrestrial public telecommunications network using radio frequency channel granted through an auction or examination for enjoyment of the right to use radio frequency, the conditions for deployment of telecommunications network shall be fulfilled according to the commitment to deploy telecommunications network upon participation in the auction or examination for enjoyment of the right to use radio frequency in accordance with the law on radio frequencies.

3. An enterprise applying for issuance of a license for provision of telecommunications services with network infrastructure or a mobile terrestrial public telecommunications network without use of radio frequency band (virtual mobile telecommunication network), shall meet conditions for charter capital and deployment of telecommunications network. To be specific:

a) Charter capital: It shall be at least 300 billion VND and fully contributed according to regulations of the law on enterprises.

b) Conditions for deployment of the telecommunications network: Commit to invest in the network with total investment capital of at least 1000 billion VND within the first 3 years from the date on which a license to establish the telecommunications network is issued and reach a written agreement on lease of a mobile terrestrial telecommunications network with an enterprise issued with a license for provision of telecommunications services.

Article 33. Charter capital and conditions for deployment of telecommunications networks for establishment of fixed and mobile satellite public telecommunications networks

An enterprise applying for a license for provision of telecommunications services with network infrastructure or a fixed or mobile satellite public telecommunications network, shall meet conditions for charter capital and deployment of telecommunications network. To be specific:

1. Charter capital: It shall be at least 30 billion VND and fully contributed according to regulations of the law on enterprises.

2. Conditions for deployment of the telecommunications network: Commit to invest in the network with total investment capital of at least 100 billion VND within the first 3 years from the date on which a license to establish the telecommunications network is issued.

Article 34. Satisfaction of regulations on investment capital under conditions for deployment of telecommunications network

1. It will be considered that an enterprise applying for issuance of a license for provision of telecommunications services with network infrastructure satisfies regulations on investment capital under conditions for deployment of telecommunications network (has adequate capital) if the investment stated in the written commitment to fulfill the conditions for deployment of telecommunications network is not lower than the corresponding minimum investment capital prescribed in Articles 31, 32 and 33 of this Decree, except for the case prescribed in clause 2 of this Article.

2. It will be considered that an enterprise applying for amendments to or re-issuance of the license for provision of telecommunications services satisfies regulations on investment capital under conditions for deployment of telecommunications network (has adequate capital) if it falls into one of the following case:

- a) The actual investment in establishment of the previous telecommunications network (its value at the time of investment) is not lower than the total minimum investment capital specified in Articles 31, 32 and 33 of this Decree.
- b) The investment stated in the written commitment to fulfill the conditions for deployment of telecommunications network is not lower than the difference between the total minimum investment capital specified in Articles 31, 32 and 33 of this Decree and the capital invested by the enterprise in reality in establishment of the previous telecommunications network.

Article 35. Procedures for issuing licenses to provide telecommunications services

1. Application for a license to provide telecommunications services with network infrastructure

An enterprise applying for a license to provide telecommunications services with network infrastructure shall submit an application to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application. An application for license includes:

- a) A written request for the license to provide telecommunications services according to Form No. 04 in the Appendix enclosed with this Decree;
- b) A valid copy of enterprise registration certificate or investment registration certificate regarding a foreign investor (or another valid equivalent certificate or license as prescribed by the law on investment and the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification;
- c) A copy of the effective Charter of the enterprise, bearing a certification seal of the enterprise;
- d) A plan to provide telecommunications services for the first 05 years from the date of issuance of the license according to Form No. 07 in the Appendix issued with this Decree;
- d) A technical plan for the first 05 years according to Form No. 08 in the Appendix issued with this Decree, corresponding to the plan to provide telecommunications services for the first 5 years from the date of issuance of the license;
- e) Document proving full contribution of the charter capital as prescribed by law on enterprises;
- e) Written commitment to fulfill the conditions for deployment of telecommunications network according to Form No. 10 in the Appendix issued with this Decree in case of application for a

license to provide telecommunications services with network infrastructure specified in point a, clause 2, Article 35 of the Law on Telecommunications.

2. Application for a license to provide telecommunications services without network infrastructure

An enterprise applying for a license to provide telecommunications services without network infrastructure shall submit an application to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application. An application for license includes:

- a) A written request for the license to provide telecommunications services according to Form No. 04 in the Appendix enclosed with this Decree;
- b) A valid copy of enterprise registration certificate or investment registration certificate regarding a foreign investor (or another valid equivalent certificate or license as prescribed by the law on investment and the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification;
- c) A copy of the effective Charter of the enterprise, bearing a certification seal of the enterprise;
- d) A plan to provide telecommunications services for the first 05 years from the date of issuance of the license according to Form No. 07 in the Appendix issued with this Decree;
- dd) A technical plan for the first 05 years, corresponding to the plan to provide telecommunications services for the first 5 years from the date of issuance of the license according to Form No. 08 in the Appendix issued with this Decree.

3. Application for a license to provide telecommunications services with network infrastructure for an enterprise specified in point d, clause 4, Article 18 of the Law on Radio Frequencies, amended by clause 6, Article 1 of the Law on amendments to some articles of the Law on Radio Frequencies.

An enterprise shall submit an application to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application. An application for license includes:

- a) A written request for the license to provide telecommunications services according to Form No. 04 in the Appendix enclosed with this Decree;
- b) A valid copy of enterprise registration certificate (or another valid equivalent certificate or license as prescribed by the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an

electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification;

c) A certified copy of a decision issued by the competent authority on use of frequency band for economic development combined with national defense and security according to regulations of law on radio frequencies.

4. Time limit and procedures for processing the application

a) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Department of Telecommunications shall give a written notification to the enterprise.

If the application is valid, within 15 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider issuing a license to provide telecommunications services to the enterprise within its jurisdiction.

In case of refusal to issue the license, within 15 days from the expiry of the time limit for consideration of the validity of the application, the Department of Telecommunications shall give a written notification stating reasons for such refusal to the enterprise.

b) In case of issuance of a license to provide telecommunications services with network infrastructure using radio frequency granted through auction or examination for enjoyment of the right to use radio frequency, the time limit and procedures for processing the application shall comply with regulations of law on radio frequencies.

c) In case the enterprise is issued with the license to provide telecommunications services, the license-issuing authority shall be responsible for sending a copy to the Ministry of Public Security for cooperation in control and assurance of information security.

5. The license to provide telecommunications services (both license to provide telecommunications services with network infrastructure and license to provide telecommunications services without network infrastructure) according to Form No. 28 and Form No. 29 in the Appendix issued with this Decree includes the following main information:

a) Enterprise name in Vietnamese and foreign languages, abbreviated name; location of the head office; information on enterprise registration certificate or investment registration certificate;

b) License number, date of issuance, date of expiry;

c) Type of telecommunications network, scope of establishment of the telecommunications network;

dd) Type of telecommunications services, scope of provision of telecommunications services permitted to be provided;

dd) Regulations on rights and obligations of the enterprise that must be complied with upon provision of telecommunications services.

6. Public announcement of the license to provide telecommunications services

Within 30 days from the date on which the competent authority issues the license to provide telecommunications services, the enterprise shall be responsible for publicly announcing the contents of the license specified in points a, b, c and d, clause 5 of this Article.

7. The enterprise issued with the license to provide telecommunications services shall be responsible for notifying in writing the Ministry of Information and Communications (Department of Telecommunications) of the official access to the public telecommunications network and the official provision of telecommunications services according to Form No. 45 in the Appendix issued with this Decree within 15 days from the date of official access to the public telecommunications network or official provision of telecommunications services.

Article 36. Amendments to or re-issuance of licenses to provide telecommunications services

1. During the validity period of the license to provide telecommunications services (both license to provide telecommunications services with network infrastructure and license to provide telecommunications services without network infrastructure), the enterprise issued with the license shall follow procedures for amending the license when there is at least one of the changes. To be specific:

- a) Name of the enterprise issued with the license is changed according to regulations of the law on enterprises;
- b) The provision of telecommunications services under the issued license is partially suspended;
- c) The telecommunications network configuration specified in the license is changed.

2. During the validity period of the license to provide telecommunications services (both license to provide telecommunications services with network infrastructure and license to provide telecommunications services without network infrastructure), the enterprise issued with the license shall follow procedures for amending or reissuing the license when there is at least one of the changes. To be specific:

- a) The scope of establishment of the telecommunications network or the scope of provision of telecommunications services is changed, or the type of telecommunications services that are licensed is additionally provided.

b) The demands for telecommunications resources are changed and it is necessary to determine the feasibility of allocation of telecommunications resources.

2. During the validity period of the license to provide telecommunications services (both license to provide telecommunications services with network infrastructure and license to provide telecommunications services without network infrastructure), the enterprise shall notify the Ministry of Information and Communications (Department of Telecommunications) when there is any change in information related to the enterprise. To be specific:

a) The enterprise shall give notification within 30 days from the date on which there is any change in its head office, legal representative or charter capital;

b) Before the 15th day of the last month of each quarter, the enterprise shall give notification if the total holdings of contributing members are equal to or larger than 20% charter capital or total voting shares specified in Article 3 of this Decree.

Article 37. Procedures for amending licenses to provide telecommunications services

1. The enterprise shall submit an application for amendments to the license to provide telecommunications services (both license to provide telecommunications services with network infrastructure and license to provide telecommunications services without network infrastructure) to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application.

2. An application for amendments to the license to provide telecommunications services (both license to provide telecommunications services with network infrastructure and license to provide telecommunications services without network infrastructure) in the case specified in point a or b clause 1 Article 36 of this Decree includes:

a) A written request for amendments to the license to provide telecommunications services according to Form No. 05 in the Appendix enclosed with this Decree;

b) A valid copy of enterprise registration certificate or investment registration certificate regarding a foreign investor (or another valid equivalent certificate or license as prescribed by the law on investment and the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification (in case the enterprise registration certificate, the investment registration certificate or the equivalent certificate or license has changed in comparison to that at the time of submission of the application for the license);

c) A report on use of the license to provide telecommunications services from the date on which the license is issued to the date of submission of the application for amendments to the license according to Form No. 09 in the Appendix enclosed with this Decree.

3. An application for amendments to the license to provide telecommunications services (both license to provide telecommunications services with network infrastructure and license to provide telecommunications services without network infrastructure) in the case specified in point c clause 1 or clause 2 Article 36 of this Decree includes:

a) A written request for amendments to the license to provide telecommunications services according to Form No. 05 in the Appendix enclosed with this Decree;

b) A valid copy of enterprise registration certificate or investment registration certificate regarding a foreign investor (or another valid equivalent certificate or license as prescribed by the law on investment and the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification (in case the enterprise registration certificate, the investment registration certificate or the equivalent certificate or license has changed in comparison to that at the time of submission of the application for the license);

c) A report on use of the license from the date on which the license is issued to the date of submission of the application for amendments to the license according to Form No. 09 in the Appendix enclosed with this Decree;

d) A plan to provide telecommunications services and a technical plan amended according to Form No. 07 and Form No. 08 in the Appendix enclosed with this Decree;

4. Upon application for amendments to the license to provide telecommunications services (license to provide telecommunications services with network infrastructure) in clause 2, Article 36, if it is required to consider conditions for charter capital and regulations on investment capital under conditions for deployment of the telecommunications network, in addition to the documents specified in clause 3 of this Article, the enterprise shall submit the following additional documents:

a) Document proving full contribution of charter capital according to regulations of law on enterprises;

b) Document proving the investment in establishment of the telecommunications network in case of previous investment in establishment of the telecommunications network;

c) Written commitment to fulfill the conditions for deployment of telecommunications network according to Form No. 10 in the Appendix issued with this Decree for fulfillment of the conditions for deployment of telecommunications network according to the application for amendments to the license (in case the required minimum investment capital is yet to be fully contributed by the enterprise as prescribed in Articles 31, 32 and 33 of this Decree.)

5. An application for amendments to the license to provide telecommunications services with network infrastructure for any enterprise specified in point d, clause 4, Article 18 of the Law on

Radio Frequencies, amended by clause 6, Article 1 of the Law on amendments to some articles of the Law on Radio Frequencies includes the following documents:

- a) A written request for amendments to the license to provide telecommunications services according to Form No. 05 in the Appendix enclosed with this Decree;
- b) A valid copy of enterprise registration certificate (or another valid equivalent certificate or license as prescribed by the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification (in case the enterprise registration certificate, the investment registration certificate or the equivalent certificate or license has changed in comparison to that at the time of submission of the application for the license);
- c) A certified copy of a decision issued by the competent authority on use of frequency band for economic development combined with national defense and security according to regulations of law on radio frequencies.

6. Time limit and procedures for processing the application:

- a) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Department of Telecommunications shall give a written notification to the enterprise.

If the application is valid, within 15 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider issuing the amended license to provide telecommunications services to the enterprise within its jurisdiction.

In case of refusal to amend the license, within 15 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications shall give a written notification stating reasons for such refusal to the enterprise applying for amendments to its license.

- b) If the license to provide telecommunications services with network infrastructure is amended due to change in the demand for use of radio frequency to be granted through auction or examination for enjoyment of the right to use radio frequency, or re-issuance of the frequency band use license, the time limit and procedures for processing the application shall comply with regulations of law on radio frequencies.
- c) In case the enterprise is issued with the license to provide telecommunications services, the license-issuing authority shall be responsible for sending a copy of the license to the Ministry of Public Security for cooperation in control and assurance of information security.

7. The amended license becomes effective from the date on which the amended license is signed until the expiry date of the license proposed to be amended.

8. Amendments to the license to provide telecommunications services shall be publicly announced according to clause 6 Article 35 of this Decree.

9. The enterprise issued with the license to establish the public telecommunications network or the license to provide telecommunications services as prescribed in clause 2 and clause 3, Article 73 of the Law on Telecommunications, when there is any change in the case prescribed in clause 1 or clause 2, Article 36 of this Decree, shall follow procedures for re-issuance of the license to provide telecommunications services as prescribed in Article 39 of this Decree.

Article 38. Extension of telecommunications license

1. Cases in which a license with the maximum period can be extended:

a) The enterprise applies for extension of the license for testing of telecommunications networks and services;

b) The enterprise applies for extension of the license to provide telecommunications services and it is being divided, merged, consolidated or converted under the issued decision.

2. When the license to provide telecommunications services is still valid for a maximum of 90 days and at least 30 days before the license expires, if the enterprise applies for extension of the issued license to provide telecommunications services, it shall send an application for extension to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application.

3. An application for extension of the license to provide telecommunications services includes:

a) A written request for extension of the license to provide telecommunications services according to Form No. 06 in the Appendix enclosed with this Decree;

b) A report on use of the license to provide telecommunications services from the date on which the license is issued to the date of submission of the application for extension of the license according to Form No. 09 in the Appendix enclosed with this Decree.

c) Documents proving that the enterprise is being divided, merged, consolidated or converted in the case specified in point b clause 1 of this Article.

4. An application for extension of the license to provide telecommunications services with network infrastructure for any enterprise specified in point d, clause 4, Article 18 of the Law on Radio Frequencies, amended by clause 6, Article 1 of the Law on amendments to some articles of the Law on Radio Frequencies includes the following documents:

- a) A written request for extension of the license to provide telecommunications services according to Form No. 06 in the Appendix enclosed with this Decree;
- b) A valid copy of enterprise registration certificate (or another valid equivalent certificate or license as prescribed by the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification (in case the enterprise registration certificate, the investment registration certificate or the equivalent certificate or license has changed in comparison to that at the time of submission of the application for the license);
- c) A certified copy of a decision issued by the competent authority on use of frequency band for economic development combined with national defense and security according to regulations of law on radio frequencies.

5. Time limit and procedures for processing the application for extension of the license to provide telecommunications services:

- a) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Department of Telecommunications shall give a written notification to the enterprise.
- b) If the application is valid, within 15 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider extending the license to provide telecommunications services to the enterprise within its jurisdiction.

In case the enterprise is issued with the license to provide telecommunications services, the license-issuing authority shall be responsible for sending a copy to the Ministry of Public Security for cooperation in control and assurance of information security.

In case of refusal to extend the license, within 15 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification stating reasons for such refusal to the enterprise applying for extension of its license.

6. An extended license becomes effective from the expiry date of the license proposed to be extended.

7. The validity period of the extended telecommunications license shall be considered according to regulations in point b clause 2 Article 39 of the Law on Telecommunications.

8. The extension of the license to provide telecommunications services shall be publicly announced according to clause 6 Article 35 of this Decree.

9. If the enterprise issued with the license to establish the public telecommunications network or the license to provide telecommunications services as prescribed in clause 2 and clause 3, Article 73 of the Law on Telecommunications wishes to continue providing telecommunications services when the license expires, it shall follow procedures for re-issuance of the license to provide telecommunications services as prescribed in Article 39 of this Decree.

Article 39. Re-issuance of licenses to provide telecommunications services

1. During the validity period of the license to provide telecommunications services (both license to provide telecommunications services with network infrastructure and license to provide telecommunications services without network infrastructure), if the enterprise applies for re-issuance of the license, it shall send an application for re-issuance to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application.

When applying for re-issuance of the license since it expires, the enterprise shall submit an application for re-issuance of the license if the license to provide telecommunications services is still valid for a maximum of 90 days and at least 60 days before the license expires.

Requirements for time limit for submission of this application are not applicable to any license that expires before the 60th day from the effective date of this Decree.

2. An application for re-issuance of the license to provide telecommunications services includes:

a) Documents included in the application for issuance of the license to provide telecommunications services specified in Article 35 of this Decree;

b) A report on use of the license to provide telecommunications services from the date on which the license is issued to the date of submission of the application for re-issuance of the license according to Form No. 09 in the Appendix enclosed with this Decree;

c) Document proving the investment in establishment of the telecommunications network in case of previous investment in establishment of the telecommunications network and necessity for consideration of compliance with regulations on investment capital under conditions for deployment of the telecommunications network.

3. The re-issuance of the license to provide telecommunications services shall be considered by taking into consideration of satisfaction of conditions for issuance of the license to provide telecommunications services specified in Article 36 of the Law on Telecommunications and compliance with regulations mentioned in the license proposed to be reissued and legitimate rights and interests of telecommunications service users.

4. Time limit and procedures for processing the application:

a) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Department of Telecommunications shall give a written notification to the enterprise.

If the application is valid, within 15 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider reissuing the license to provide telecommunications services to the enterprise within its jurisdiction.

In case of refusal to reissue the license, within 15 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification stating reasons for such refusal to the enterprise.

b) If the license to provide telecommunications services with network infrastructure is re-issued due to change in the demand for use of radio frequency to be granted through auction or examination for enjoyment of the right to use radio frequency, or re-issuance of the frequency band use license, the time limit and procedures for processing the application shall comply with regulations of law on radio frequencies.

c) In case the enterprise is issued with the license to provide telecommunications services, the license-issuing authority shall be responsible for sending a copy to the Ministry of Public Security for cooperation in control and assurance of information security.

5. The reissued license to provide telecommunications services becomes effective from the date of signing the license. In case of re-issuance of the license due to expiration of the license, the reissued license shall be effective from the expiry date of the license proposed to be re-issued.

6. The validity period of the re-issued license shall be considered at the request of the enterprise but it does not exceed the maximum period specified in clause 2 Article 33 of the Law on Telecommunications of the license proposed to be re-issued.

7. The re-issuance of the license to provide telecommunications services shall be publicly announced according to clause 6 Article 35 of this Decree.

8. If the enterprise issued with the license to establish the public telecommunications network or the license to provide telecommunications services as prescribed in clause 2 and clause 3, Article 73 of the Law on Telecommunications applies for re-issuance of the license, it shall follow procedures for re-issuance of the license to provide telecommunications services (for both the license to establish the public telecommunications network and the license to provide corresponding telecommunications services that have been issued) as prescribed in this Article. The re-issuance of the license to provide telecommunications services shall stick to the following principles:

a) The re-issued license to provide telecommunications services with network infrastructure may replace the license to establish the public telecommunications network and the license to provide telecommunications services proposed to be re-issued.

b) The re-issued license to provide telecommunications services without network infrastructure may replace the license to provide telecommunications services proposed to be re-issued.

Article 40. Issuance, amendments and extension of licenses for installation of submarine telecommunications cable lines

1. Issuance of licenses for installation of submarine telecommunications cable lines

An organization applying for a license for installation of submarine telecommunications cable lines shall submit 01 original application and 04 copies to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application. An application for the license for installation of submarine telecommunications cable lines includes:

a) A written request for the license for installation of submarine telecommunications cable lines according to Form No. 12 in the Appendix enclosed with this Decree;

b) A valid copy of a legal document of the applicant (establishment decision, operation license or enterprise registration certificate, investment registration certificate regarding a foreign investor or another equivalent document as prescribed by the law on investment and the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification;

c) A copy of the organization's charter, a document containing regulations on organizational structure or association, joint operations among members;

d) A project on installation of submarine telecommunications cable lines, including legal documents related to the approval for investment in a cable route (if any); overview on the applicant; necessity for investment in the cable route; current status of the network, market development demands, clear identification of nature, objectives and scope of the cable route; the form of investment, total investment capital, capital contribution percentage of each member, ratio of capacity ownership, shore stations in the entire cable route; technical specifications of the cable route (total length of the entire cable route, total length in Vietnam's waters, coordinates of the entry point, coordinates of the exit point in Vietnam's waters); proposed coordinates of each cable line to be installed and its route that must be presented on a map correctly showing the territorial sovereignty, national borders, and administrative boundaries of Vietnam according to regulations of the law on topography and cartography (Vietnam administrative map at a scale of 1:9,000,000); number of fiber pairs, technologies that have been used, design capacity, equipment capacity; construction plan (detailed schedule and method of construction for survey, cleanup, grapnel run, post lay inspection and burial (PLIB)); estimated

commencement time of survey, commencement time of installation, official date of operation of part or all of the cable route; plan for maintenance of the cable route in Vietnam's waters in the first 5 years from the official date of operation of part or all of the cable route; plan to ensure safety for vehicles and people during construction, and safety and security for artificial islands, equipment and works at sea in the waters where the cable route crosses over; plan to ensure security and protect marine environment during survey and construction of the cable route and issues related to sea survey and underwater activities; commitment to assurance of safety and compensation for artificial islands, equipment and structures at sea in Vietnam in case the damage is caused by the vessel that carries out the survey, installation, maintenance, repair or recovery of the cable route.

2. Time limit and procedures for processing the application for the license for installation of submarine telecommunications cable lines:

a) The Ministry of Information and Communications (Department of Telecommunications) shall receive the application and consider its validity within 10 days from the date of receipt of the application; and send an enquiry document to the Ministry of National Defense, the Ministry of Foreign Affairs, the Ministry of Natural Resources and Environment, the Ministry of Industry and Trade and relevant agencies and organizations to collect their opinions within 05 working days from the expiry of the time limit for consideration of the application's validity. Within 20 days from the date of receipt of the enquiry document, the enquired agencies and organizations shall send their written responses. These written responses shall clearly state the agreement to issue the license according to the received application or the agreement to issue the license under conditions that must be satisfied by, and enclosed with measures that must be additionally implemented by the applicant so that it is issued with the license.

b) Within 25 days from the date of receipt of full responses from the enquired agencies and organizations, the Ministry of Information and Communications (Department of Telecommunications) shall consider issuing the license for installation of submarine telecommunications cable lines within its jurisdiction.

In case of refusal to issue the license, the Ministry of Information and Communications (Department of Telecommunications) shall give a written reply stating reasons for such refusal to the applicant.

3. The organization issued with the license for installation of submarine telecommunications cable lines shall be responsible for sending a document to the Ministry of Information and Communications (Department of Telecommunications) to notify the official date of operation of part or all of the cable route within 10 days from the official date of operation.

4. During the validity period of the license for installation of submarine telecommunications cable lines, the organization issued with the license shall follow procedures for amending the license when the organization's name or the location for installation of the cable route in Vietnam's waters is changed.

In case of change in the organization's head office, ratio of capacity ownership of each member or shore stations in the entire cable route outside Vietnam's waters, the organization issued with the license shall send a written notification to the Ministry of Information and Communications (Department of Telecommunications) of such change within 30 days from the official date of change.

5. The organization applying for amendments to the license for installation of submarine telecommunications cable lines shall submit 01 original application and 04 copies to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application for amendments to the license. An application for amendments to the license for installation of submarine telecommunications cable lines includes:

a) A written request for amendments to the license for installation of submarine telecommunications cable lines according to Form No. 13 in the Appendix enclosed with this Decree;

b) Detailed amendments to the license and other relevant documents.

6. The Ministry of Information and Communications (Department of Telecommunications) shall receive and consider the validity of the application for amendments to the license within 10 days from the date of receipt of the application. Within 20 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider amending the license within its jurisdiction on the basis of compliance with regulations stated in the issued license and relevant laws. In case of change in the location for installation of the cable route, the Ministry of Information and Communications shall collect opinions from the agencies specified in clause 2 of this Article and the time limit for amendments may be extended but it must not exceed 40 days from the expiry of the time limit for consideration of the validity of the application.

In case of refusal to amend the license, the Ministry of Information and Communications (Department of Telecommunications) shall give a written reply stating reasons for such refusal to the applicant.

7. Extension of the license for installation of submarine telecommunications cable lines (in case the period of the first license is shorter than the maximum permissible period)

At least 90 days before the time the issued license for installation of submarine telecommunications cable lines expires, if the organization issued with the license applies for extension of the license, it shall submit 01 original application to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application. An application for extension of the license for installation of submarine telecommunications cable lines includes:

a) A written request for extension of the license for installation of submarine telecommunications cable lines according to Form No. 14 in the Appendix enclosed with this Decree;

b) A report on compliance with regulations stated in the issued license for installation of submarine telecommunications cable lines and relevant laws.

8. The Ministry of Information and Communications (Department of Telecommunications) shall receive and consider the validity of the application for extension of the license within 10 days from the date of receipt of the application. Within 20 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider extending the license on the basis of compliance with regulations stated in the issued license and relevant laws. If it is necessary to collect opinions from relevant agencies and organizations, the time limit for extension of the license may be extended but it must not exceed 40 days from the expiry of the time limit for consideration of the validity of the application.

In case of refusal to extend the license, the Ministry of Information and Communications (Department of Telecommunications) shall give a written reply stating reasons for such refusal to the applicant.

9. The issued/amended/extended license for installation of submarine telecommunications cable lines shall be made according to Form No. 30 in the Appendix enclosed with this Decree and its copy shall be sent to the Ministry of Public Security for cooperation in control and assurance of information security.

10. If the organization issued with the license for installation of submarine telecommunications cable lines applies for permission for the vessel to enter Vietnam's waters for survey, installation, maintenance, repair or recovery of the telecommunications cable route, it shall submit 01 original application and 02 copies to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application. An application for permission for the vessel to enter Vietnam's waters includes:

a) A written request for permission for the vessel to enter Vietnam's waters, made by the organization issued with the license for installation of submarine telecommunications cable lines and including specific information about the cable segment to be surveyed, installed, maintained, repaired or recovered according to Form No. 15 in the Appendix enclosed with this Decree;

b) Sea-going vessel registration certificate and technical specifications of the vessel expected to enter Vietnam's waters;

c) List of crew members and information on expected time of entry, transit, exit, purposes, and place of residence of each crew member (in case of entry or transit in Vietnam);

d) Construction plan: Detailed schedule, construction methods, commencement time, end time, coordinates of the location for survey, installation, maintenance, repair, or recovery of the cable route;

dd) Official notification of any cable line incident, issued by Cable Line Operation and Management Center (in case the vessel enters Vietnam's waters for repair);

e) Notification of discontinuation of operation of the cable route, issued by the cable route owner (in case the vessel enters Vietnam's waters for recovery).

11. On the basis the compliance with the license for installation of submarine telecommunications cable lines, the issued document on permission for the vessel to enter Vietnam's waters (if any) and the application for permission for the vessel to enter Vietnam's waters, made by the organization, the Ministry of Information and Communications (Department of Telecommunications) shall cooperate with the General Staff, the Ministry of National Defense in permitting the vessel to enter Vietnam's waters for survey, installation, maintenance, repair or recovery of the submarine telecommunications cable route at the request of the organization issued with the license in accordance with regulations of law. If crew members enter or transit in Vietnam, opinions of the immigration authority affiliated to the Ministry of Public Security shall be collected. The document on permission for the vessel to enter Vietnam's waters shall be made according to Form No. 31 in the Appendix enclosed with this Decree.

12. If a foreign organization applies for issuance, amendments to or extension of the license for installation of submarine telecommunications cable lines or permission for the vessel to enter Vietnam's waters, the corresponding application shall be consular legalized, translated into Vietnamese and notarized in accordance with Vietnamese law. If a Vietnamese organization/individual is authorized to follow the above-mentioned procedures, an authorization contract made by the foreign organization shall be enclosed and sent to the Vietnamese organization/individual according to regulations of Vietnamese law.

13. Within 45 days from the date of completion of the survey, installation, maintenance, repair or recovery of the cable route, the organization applying for permission for the vessel to enter Vietnam's waters shall be responsible for send a report to the Ministry of Information and Communications (Department of Telecommunications) and relevant regulatory authorities during the survey, installation, maintenance, repair or recovery. To be specific:

a) Reporting the results of survey, installation, maintenance, repair or recovery of the cable route, and unusual circumstances in Vietnam's waters (if any);

b) Sending automatic identification data of the vessel (data in the Excel format) to the Ministry of Information and Communications (Department of Telecommunications) via baocaovt@mic.gov.vn.

Article 41. Issuance, amendments and extension of licenses for establishment of private telecommunications networks

1. Issuance of licenses for establishment of private telecommunications networks

An organization applying for a license for establishment of a private telecommunications network shall submit 01 application to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application for the license. An application for the license includes:

a) A written request for the license for establishment of the private telecommunications network according to Form No. 16 in the Appendix enclosed with this Decree;

b) A valid copy of an establishment decision, operation license or enterprise registration certificate, investment registration certificate (or another valid equivalent certificate or license as prescribed by the law on investment and the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification;

c) A copy of charter or a document containing regulations on organizational structure or association, joint operations among members of the network that is effective and bears the seal of the organization;

d) A project on establishment of the private telecommunications network, clearly stating purposes of establishment of the network; network configuration; type of equipment; services used; network members; scope of operation, technologies used; frequency, telecommunications codes, numbers proposed for use; technical equipment and measures for assurance of information safety and security.

2. Time limit and procedures for processing the application for the license for establishment of the private telecommunications network

a) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Department of Telecommunications shall give a written notification to the organization.

b) If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider issuing a license for establishment of the private telecommunications network to the organization within its jurisdiction. In case of refusal to issue the license, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Department of Telecommunications shall give a written notification stating reasons for such refusal to the organization. If it is necessary to collect opinions from relevant agencies and organizations, the time limit for consideration of issuance of the license may be extended but it must not exceed 60 days from the expiry of the time limit for consideration of the validity of the application.

Regarding an application for a license for establishment of a private telecommunications network, made by an organization eligible for diplomatic immunity and privileges for diplomatic missions, consular offices and representative offices of international organizations in Vietnam, the issuance of the license shall be considered according to written opinions of the Ministry of Foreign Affairs and the Ministry of Public Security.

3. Amendments to licenses for establishment of private telecommunications networks

a) During the validity period of the license, the organization issued with the license shall submit an application for amendments to the license to the Ministry of Information and Communications (Department of Telecommunications) when there is any change in the name of the organization, list of network members, network configuration, network operation scope, and type of services provided. In case of change in address of the head office of the organization, the organization issued with the license is not required to follow procedures for amendments to the telecommunications license but it shall notify the license-issuing authority within 30 days from the official date of change.

b) The application for amendments to the license includes a written request for amendments to the license for establishment of the private telecommunications network according to Form No. 17 in the Appendix enclosed with this Decree; detailed description of the proposed amendments; and other documents related to amendments to the license (if any).

c) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification to the organization. If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider amending the license for establishment of the private telecommunications network issued to the organization within its jurisdiction. In case of refusal to amend the license, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification stating reasons for such refusal to the organization applying for amendments to its license. If it is necessary to collect opinions from relevant agencies and organizations, the time limit for consideration of amendments to the license may be extended but it must not exceed 60 days from the expiry of the time limit for consideration of the validity of the application.

4. Extension of the license for establishment of the private telecommunications network (in case the period of the first license is shorter than the maximum permissible period)

a) If the organization issued with the license for establishment of the private telecommunications network applies for extension of the license, it shall submit 01 application for extension to the Ministry of Information and Communications (Department of Telecommunications) at least 90 days before the expiry date of the license and take responsibility for the accuracy and honesty of the application for the license.

b) The application for extension of the license includes a written request for extension of the license for establishment of the private telecommunications network according to Form No. 18 in the Appendix enclosed with this Decree; and report on use of the issued license for establishment of the private telecommunications network;

c) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification to the organization. If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider extending the license for establishment of the private telecommunications network issued to the organization within its jurisdiction. In case of refusal to extend the license, the Ministry of Information and Communications (Department of Telecommunications) shall give a written reply stating reasons for such refusal to the applicant. If it is necessary to collect opinions from relevant agencies and organizations, the time limit for consideration of extension of the license may be extended but it must not exceed 60 days from the expiry of the time limit for consideration of the validity of the application.

5. The issued/amended/extended license for establishment of the private telecommunications network shall be made according to Form No. 32 in the Appendix enclosed with this Decree and its copy shall be sent to the Ministry of Public Security for cooperation in control and assurance of information security.

Article 42. Issuance, amendments and extension of licenses for testing of telecommunications networks and services

1. Issuance of licenses for testing of telecommunications networks and services

If an enterprise wishes to test telecommunications network and services, it shall submit 01 application to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application for the license. An application includes:

If an enterprise wishes to test telecommunications network and services, it shall submit 01 application to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application for the license. An application for the license includes:

a) A written request for the license for testing of telecommunications network and services according to Form No. 19 in the Appendix enclosed with this Decree;

b) A project on testing of telecommunications network and services, clearly stating purposes, scope, scale, time limit for testing; network configuration, type of services, cooperator(s); expected prices of services; frequency and numbers proposed to be tested; terms and conditions for protection of rights and interests of users in case after the expiry of the time limit for testing services, the enterprise does not officially provide such services.

2. Time limit and procedures for processing the application for the license for testing of telecommunications network and services

The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification to the enterprise. If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider issuing a license for testing of telecommunications network and services to the enterprise within its jurisdiction. In case of refusal to issue the license, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification stating reasons for such refusal to the enterprise.

3. Amendments to licenses for testing of telecommunications networks and services

a) During the validity period of the license, the enterprise issued with the license shall submit an application for amendments to the license to the Ministry of Information and Communications (Department of Telecommunications) when there is any change in the name of the enterprise, network configuration, testing scale, network operation scope, type of services provided, or users of the tested services.

In case of change in address of the head office, the enterprise issued with the license is not required to follow procedures for amendments to the telecommunications license but it shall notify the license-issuing authority within 30 days from the official date of change.

b) The application for amendments to the license includes a written request for amendments to the license for testing of telecommunications network and services according to Form No. 20 in the Appendix enclosed with this Decree; detailed description of the proposed amendments; and other documents related to amendments to the license (if any).

c) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification to the enterprise. If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider amending the license for testing of telecommunications network and services issued to the enterprise within its jurisdiction. In case of refusal to amend the license, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification stating reasons for such refusal to the enterprise applying for amendments to its license.

4. Extension of licenses for testing of telecommunications networks and services

a) If the enterprise issued with the license for testing of telecommunications network and services applies for extension of the license, it shall submit 01 application for extension to the Ministry of Information and Communications (Department of Telecommunications) at least 90 days before the expiry date of the license and take responsibility for the accuracy and honesty of the application. The application for extension of the license includes a written request for extension of the license for testing of telecommunications network and services according to Form No. 21 in the Appendix enclosed with this Decree; and report on use of the license for testing of telecommunications network and services;

b) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification to the enterprise. If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider extending the license for testing of telecommunications network and services issued to the enterprise within its jurisdiction. In case of refusal to extend the license, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification stating reasons for such refusal to the enterprise applying for extension of its license.

5. The issued/amended/extended license for testing of telecommunications network and services shall be made according to Form No. 33 in the Appendix enclosed with this Decree and its copy shall be sent to the Ministry of Public Security for cooperation in control and assurance of information security.

6. At the end of the testing period, the enterprise issued with the license shall be responsible for finally reviewing and completing the testing document and reporting the testing results to the Ministry of Information and Communications (Department of Telecommunications).

7. After the testing period, if the enterprise issued with the license wishes to put telecommunications network and services into official operation and use, it shall apply for the license to provide telecommunications services.

Article 43. Issuance, amendments to and extension of licenses for establishment of telecommunications networks for national radio/television stations

1. Issuance of licenses for establishment of telecommunications networks for national radio/television stations

An organization applying for a license for establishment of a telecommunications network specified in point d clause 3 Article 33 of the Law on Telecommunications shall submit 01 application to the Ministry of Information and Communications (Department of

Telecommunications) and take responsibility for the accuracy and honesty of the application for the license. An application for license includes:

- a) A written request for issuance of the license for establishment of the telecommunications network for a national radio/television station according to Form No. 22 in the Appendix enclosed with this Decree;
- b) A valid copy of operation license issued to the organization applying for the license for establishment of the telecommunications network, including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification;
- c) A project on establishment of the telecommunications network, clearly stating purposes of establishment of the network; network configuration; type of equipment; services used; network members; network users, scope of operation, technologies used; frequency, telecommunications codes, numbers proposed for use; technical equipment and measures for assurance of safety for telecommunications infrastructure.

2. Time limit and procedures for processing the application for issuance of the license for establishment of the telecommunications network for the national radio/television station

- a) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification to the organization.
- b) If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider issuing a license for establishment of the telecommunications network to the organization within its jurisdiction.

In case of refusal to issue the license, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification stating reasons for such refusal to the organization. If it is necessary to collect opinions from relevant agencies and organizations, the time limit for consideration of issuance of the license may be extended but it must not exceed 60 days from the expiry of the time limit for consideration of the validity of the application.

3. Amendments to the license for establishment of the telecommunications network for the national radio/television station

- a) During the validity period of the license, the organization issued with the license shall submit an application for amendments to the license to the Ministry of Information and Communications

(Department of Telecommunications) and take responsibility for the accuracy and honesty of the application when there is any change in the name of the organization or network configuration.

In case of change in address of the head office, the organization issued with the license is not required to follow procedures for amendments to the license but it shall notify the license-issuing authority within 30 days from the official date of change.

b) The application for amendments to the license includes a written request for amendments to the license for establishment of the telecommunications network for the national radio/television station according to Form No. 23 in the Appendix enclosed with this Decree; detailed description of the proposed amendments; and other documents related to amendments to the license (if any).

c) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification to the organization. If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider amending the license for establishment of the telecommunications network for the national radio/television station issued to the organization within its jurisdiction. In case of refusal to amend the license, the Ministry of Information and Communications (Department of Telecommunications) shall give a written reply stating reasons for such refusal to the applicant. If it is necessary to collect opinions from relevant agencies and organizations, the time limit for consideration of amendments to the license may be extended but it must not exceed 60 days from the expiry of the time limit for consideration of the validity of the application.

4. Extension of the license for establishment of the telecommunications network for the national radio/television station (in case the period of the first license is shorter than the maximum permissible period)

a) If the organization issued with the license for establishment of the telecommunications network for the national radio/television station applies for extension of the license, it shall submit 01 application for extension to the Ministry of Information and Communications (Department of Telecommunications) at least 90 days before the expiry date of the license and take responsibility for the accuracy and honesty of the application for the license.

b) The application for extension of the license includes a written request for extension of the license for establishment of the telecommunications network for the national radio/television station according to Form No. 24 in the Appendix enclosed with this Decree; and report on use of the license for establishment of the telecommunications network;

c) The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application within 05 working days from the date of receipt of the application. If the application is not valid, within 05 working days from the date of receipt of the application, the Ministry of Information and Communications (Department of

Telecommunications) shall give a written notification to the organization. If the application is valid, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall consider extending the license for establishment of the telecommunications network for the national radio/television station issued to the organization within its jurisdiction. In case of refusal to extend the license, within 40 days from the expiry of the time limit for consideration of the validity of the application, the Ministry of Information and Communications (Department of Telecommunications) shall give a written notification stating reasons for such refusal to the organization applying for extension of its license. If it is necessary to collect opinions from relevant agencies and organizations, the time limit for consideration of extension of the license may be extended but it must not exceed 60 days from the expiry of the time limit for consideration of the validity of the application.

5. The issued/amended/extended license for establishment of the telecommunications network for the national radio/television station shall be made according to Form No. 34 in the Appendix enclosed with this Decree and its copy shall be sent to the Ministry of Public Security for cooperation in control and assurance of information security.

Article 44. Registration of provision of telecommunications services

1. Before providing data center services, the enterprise shall apply for registration and be issued with a certificate of registration of provision of telecommunications services.

2. Conditions for registration of provision of telecommunications services:

- a) Having an enterprise registration certificate/investment registration certificate;
- b) Preparing technical plans in accordance with information and communication infrastructure planning, regulations on technical standards and regulations, thereby ensuring the safety of telecommunications infrastructure, cyberinformation and information security.

3. Application for registration of provision of telecommunications services

An enterprise registering provision of telecommunications services shall submit an application for registration of provision of telecommunications services to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the application. Application for registration of provision of telecommunications services includes:

- a) A written request for registration of provision of telecommunications services, including information about telecommunications services to be provided, and commitment to meet the conditions for registration of provision of telecommunications services according to Form No. 25 in the Appendix issued with this Decree;
- b) A valid copy of enterprise registration certificate or investment registration certificate regarding a foreign investor (or another valid equivalent certificate or license as prescribed by

the law on investment and the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification;

4. Time limit and procedures for processing the application for registration of provision of telecommunications services

The Ministry of Information and Communications (Department of Telecommunications) shall consider the validity of the application for registration of provision of telecommunications services within 03 working days from the date of receipt of the application. If the application is not valid, the Department of Telecommunications shall give a written notification to the enterprise. The Ministry of Information and Communications (Department of Telecommunications) shall issue a certificate of registration of provision of telecommunications services according to Form No. 26 in the Appendix issued with this Decree to each enterprise within 05 working days from the expiry of the time limit for consideration of the validity of the application for registration of provision of telecommunications services, and publicly disclose information about telecommunications enterprises that have completed the registration of the provision of telecommunications services on the website of the Department of Telecommunications.

5. The telecommunications enterprise shall re-follow procedures for registering provision of telecommunications services in the following cases:

- a) Change in the enterprise's name;
- b) Change in information about the data center infrastructure established or hired by the enterprise in comparison to that declared in the application for registration of provision of telecommunications services specified in point a, clause 3 of this Article.

Article 45. Notification of provision of telecommunications services

1. The organization/enterprise shall notify the provision of telecommunications services before providing telecommunications services in the following cases:

- a) The enterprise provides basic telecommunications services on the Internet, cloud computing services, email services, voicemail services, and value-added fax services;
- b) The foreign enterprise provides basic telecommunications services on the Internet, data center services or cloud computing services across the border for telecommunications service users within the Vietnamese territory.

2. In case the enterprise simultaneously provides cloud computing services and data center services, it is not required to follow procedures for notifying provision of private telecommunications services but it must notify information about cloud computing services in the application for registration of provision of telecommunications services according to Form

No. 25 in the Appendix issued with this Decree and may provide cloud computing services after the submission of the valid registration application.

3. A dossier on notification of provision of telecommunications services

An organization/enterprise notifying provision of telecommunications services shall submit a dossier on notification of provision of telecommunications services to the Ministry of Information and Communications (Department of Telecommunications) and take responsibility for the accuracy and honesty of the dossier. A dossier on notification of provision of telecommunications services includes:

a) A written notification of provision of telecommunications services according to Form No. 27 in the Appendix enclosed with this Decree;

b) A valid copy of enterprise registration certificate or investment registration certificate regarding a foreign investor (or another valid equivalent certificate or license as prescribed by the law on investment and the law on enterprises), including a copy derived from its original register or a certified copy or a copy printed by a competent authority or organization from an electronic document on the national database in case where the original information is stored on the national database or a copy enclosed with the original copy for verification (in the case specified in point a clause 1 of this Article).

4. Time limit and procedures for processing the dossier on notification of provision of telecommunications services

The Ministry of Information and Communications (Department of Telecommunications) shall be responsible for inspecting the validity of the dossier on notification of provision of telecommunications services. If the dossier is not valid, the Department of Telecommunications shall give a written notification to the organization/enterprise within 03 working days from the date of receipt of the dossier. The Ministry of Information and Communications (Department of Telecommunications) shall publicly disclose information about organizations and enterprises that have notified the provision of telecommunications services on the website of the Department of Telecommunications.

5. The organization/enterprise shall notify the Ministry of Information and Communications (Department of Telecommunications) when there is any change in the following information:

a) Change in the name of the organization/enterprise;

b) Change in information about the contract point in case where the foreign enterprise provides basic telecommunications services on the Internet, data center services or cloud computing services across the border for telecommunications service users within the Vietnamese territory.

Article 46. Receipt of application for issuance of telecommunications license, application for registration of provision of telecommunications services, dossier on notification of provision of telecommunications services, application for permission for discontinuation of

provision of telecommunications services, application for resolution of dispute over provision of telecommunications services

1. The organization/enterprise shall submit an application for issuance/amendments/extension/re-issuance of a telecommunications license, an application for registration of provision of telecommunications services, a dossier on notification of provision of telecommunications services, application for permission for discontinuation of provision of telecommunications services or application for resolution of dispute over provision of telecommunications services to the Ministry of Information and Communications (Department of Telecommunications) by one of the following methods:

a) In person;

b) By post;

c) Via online public service system.

2. If the application/dossier is submitted in person, the date of receipt is the date on which the Ministry of Information and Communications (Department of Telecommunications) receives the application/dossier from the enterprise in person.

3. If the application/dossier is submitted by post, the date of receipt is the date on which the Ministry of Information and Communications (Department of Telecommunications) receives the application/dossier from the postal service provider.

4. If the application/dossier is submitted via online public service system, the date of receipt is the date on which the online public service system gives a written notification of the application/dossier to the Ministry of Information and Communications (Department of Telecommunications).

Article 47. Inspection of validity of application for issuance of telecommunications license, application for registration of provision of telecommunications services or dossier on notification of provision of telecommunications services

1. The application for issuance/amendments/extension/re-issuance of telecommunications license, application for registration of provision of telecommunications services or dossier on notification of provision of telecommunications services shall be written in Vietnamese. The application/dossier shall bear a valid confirmation stamp or digital signature of the organization/enterprise; any printed document prepared by the organization/enterprise with 02 pages or more shall be fan-stamped.

2. The validity of the application/dossier shall be inspected according to the following criteria:

a) The application/dossier shall be made in accordance with clause 1 of this Article;

b) There must be sufficient documents corresponding to each type of the application/dossier;

c) Documents shall contain sufficient information items as prescribed.

Article 48. Revocation of telecommunications licenses and forcible termination of provision of telecommunications services

1. In case of revocation of a telecommunications license as prescribed in points a, b, c and h, clause 1, Article 40 of the Law on Telecommunications and forcible termination of provision of telecommunications services as prescribed in points a, b, c, clause 2, Article 40 of the Law on Telecommunications, after obtaining a decision or confirmation from a competent regulatory authority on violations committed by the enterprise, the authority issuing the telecommunications license, granting the registration of provision of telecommunications services or receiving the notification of provision of telecommunications services (telecommunications license-issuing authority) shall issue a decision to revoke the telecommunications license or request termination of provision of telecommunications services, and revoke the certificate of registration of provision of telecommunications services within its jurisdiction.

2. In case of revocation of a license to provide telecommunications services as prescribed in point d and point dd, clause 1, Article 40 of the Law on Telecommunications and forcible termination of provision of telecommunications services as prescribed in point d, clause 2, Article 40 of the Law on Telecommunications, the Ministry of Information and Communications (Telecommunications Department) shall notify the enterprise of its violations and request the enterprise to provide a written explanation.

a) After 15 days from the expiry of the time limit stated in the notification, if the enterprise does not provide the written explanation, proving the provision of services in the market or does not have opinions on discontinuation of the provision of telecommunications services for 01 consecutive year without notification, the telecommunications license-issuing authority shall decide to revoke the license to provide telecommunications services, request the termination of the provision of telecommunications services, and revoke the certificate of registration of the provision of telecommunications services within its jurisdiction.

b) In case the enterprise does not fully fulfill its commitment to deploy a telecommunications network in reality, violations committed by the enterprise are handled according to the law on handling administrative violations, and after 01 year from the date on which such violations are handled, the enterprise fails to implement remedial measures, the telecommunications license-issuing authority shall decide to revoke the telecommunications license within its jurisdiction.

3. If the enterprise discontinues providing all telecommunications services as stipulated in the license, the certificate of registration of provision of telecommunications services has been issued and the procedures for discontinuation in provision of all telecommunications services have been completed as prescribed in this Decree, the telecommunications license-issuing authority shall decide to revoke the license to provide telecommunications services or the certificate of registration of provision of telecommunications services within its jurisdiction.

4. If the enterprise has not officially provided services or has not officially operated the telecommunications network and voluntarily returns the license to provide telecommunications

services, the certificate of registration of provision of telecommunications services due to change in orientation towards provision of telecommunications services or cannot implement the contents of the license, the telecommunications license-issuing authority shall decide to revoke the license to provide telecommunications services, the certificate of registration of provision of telecommunications services within its jurisdiction within 10 working days from the date of receipt of the application for revocation of the license to provide telecommunications services, the certificate of registration of provision of telecommunications services according to Form No. 11 in the Appendix issued with this Decree.

5. If the telecommunications enterprise that has its all radio frequency resources withdrawn fails to follow procedures for amendments to or re-issuance of the license to provide telecommunications services within 12 months from the date on which the decision to revoke the license to use radio frequency is issued according to point g, clause 1 Article 40 of the Law on Telecommunications, the telecommunications license-issuing authority shall issue a decision to revoke the license to provide telecommunications services within its jurisdiction.

6. The telecommunications enterprise whose license is revoked shall be responsible for fully fulfilling its financial obligations as prescribed in relation to the telecommunications license that has been revoked until the time the decision to revoke the license takes effect. In case the license to provide telecommunications services is revoked when subscribers are using services, the telecommunications enterprise shall be responsible for protecting the rights of users as follows:

- a) Protecting the legitimate rights and interests of telecommunications service users under telecommunications service contracts signed and of related parties according to regulations of law;
- b) Transferring users to other enterprises that provide similar services or agreeing to compensate service users in case the enterprise whose license is revoked is the telecommunications enterprise owning essential devices, the market-leading telecommunications enterprise or the public-utility telecommunications service provider.

Article 49. Fee for the right to operate telecommunications

1. Fee for the right to operate telecommunications is regulated by clause 1, Article 43 of the Telecommunications Law to implement the State's telecommunications policies on in each period and basically cover costs for telecommunications management.

2. Each organization issued with a license to provide telecommunications services shall be responsible for paying a fixed fee for the right to operate telecommunications every year. This fee shall be determined on the basis of type, scope and scale of the telecommunications network, telecommunications services and telecommunications service revenue; quantity and value of the allocated telecommunications resources for establishment of the network; and use of space, ground surface, underground space, riverbed and seabed for construction of telecommunications works.

3. Each organization issued with a license for establishment of private telecommunications network, a license for testing of telecommunications networks and services or a license for establishment of the telecommunications network specified in point d clause 3 Article 33 of the Law on Telecommunications shall make lump-sum payment of the fixed fee for the whole validity period of the license.

4. Each organization issued with a license for installation of submarine telecommunications cable lines shall make lump-sum payment of the fixed fee for the whole validity period of the license and for each time of maintenance, repair or recovery of the cable route.

5. Each organization/enterprise issued with a telecommunications license shall be responsible for fully and punctually paying the fee for the right to operate telecommunications as notified by the license-issuing authority. The paid fee shall be recorded as deductible expense upon determination of corporate income tax as per the Law on Corporate Income Tax and guiding documents. If the enterprise makes lump-sum payment of the fixed fee for the whole validity period of the telecommunications license, the fee for the right to operate telecommunications will be calculated according to the number of years of operation written on the license.

Chapter IV

TECHNICAL REGULATIONS, QUALITY OF TELECOMMUNICATIONS

Article 50. System of technical regulations on telecommunications and radio frequencies

A system of technical regulations on telecommunications and radio frequencies includes technical regulations on:

1. Terminal devices.
2. Network devices.
3. Telecommunications connection.
4. Telecommunications services.
5. Passive telecommunications technical infrastructure.
6. Quality of emission of radio frequency devices.
7. Radio frequency radiation safety for radio frequency devices, devices applying radio waves and radio stations.
8. Electromagnetic compatibility safety for radio frequency devices, telecommunications equipment, IT devices, devices applying radio waves and electric/electronic devices.
9. Electric safety, electromagnetic field safety.

10. Installation of network devices/passive telecommunications technical infrastructure.
11. Other technical regulations as regulated by the Ministry of Information and Communications.

Article 51. Telecommunications quality management

1. The assessment of conformity with technical regulations on equipment and services shall be carried out as follows:

a) Terminal devices, radio frequency devices, devices applying radio waves, IT devices, and electric/electronic devices included in the list of potentially unsafe products and goods under the management of the Ministry of Information and Communications shall be subject to certification and declaration of conformity and bear conformity marks before they are put into market or connected to the public telecommunications network;

b) Procedures for announcing quality of telecommunications services included in the List of telecommunications services subject to mandatory quality control issued by the Ministry of Information and Communications shall be followed before such services are provided for the public as per law.

2. Inspection of network equipment and radio stations included in the list of equipment and radio stations subject to mandatory inspection issued by the Ministry of Information and Communications is a technical operation carried out according to a certain process to assess and certify the conformity of network equipment and radio stations with the requirements specified in corresponding technical regulations. The periodic or ad hoc inspection shall be conducted at the request of the competent authority before such network equipment and radio stations are put into operation.

3. The Ministry of Information and Communication shall:

a) issue specific regulations on inspection, procedures for inspection of network equipment and radio stations;

b) appoint/accept organizations assessing and certifying conformity in telecommunications and radio frequency sectors.

Chapter V

PASSIVE TELECOMMUNICATIONS TECHNICAL INFRASTRUCTURE PLANNING

Section 1. GENERAL PROVISIONS

Article 52. Authority organizing formulation of planning and planning authority

1. The authority organizing formulation of planning is the provincial People's Committee.

2. The planning authority is a telecommunications authority affiliated to the provincial People's Committee (Department of Information and Communications) and assigned to formulate planning by the provincial People's Committee.

Article 53. Responsibility of the provincial People's Committee

1. Appraise and approve planning tasks.
2. Collect opinions from relevant agencies, organizations and individuals on planning tasks.
3. Decide approval for planning and announcement about local passive telecommunications technical infrastructure planning on a quinquennial basis, with a 10-year vision, amended by the socio-economic development demand in association with protection of local defense and security and assurance of the inheritance of relevant plannings that have been approved.
4. Direct the Department of Information and Communications to make a plan to implement the local passive telecommunications technical infrastructure planning for the whole planning period and approve such plan.

Article 54. Responsibility of Department of Information and Communications

1. Preside over and cooperate with relevant agencies and organizations in developing and submitting planning tasks; send an application for appraisal of planning tasks to the provincial People's Committee for organization of the appraisal.
2. Select a planning consultancy as per law.
3. Organize formulation of planning components according to the approved planning tasks.
4. Provide sufficient documents and facilities for the Appraisal Council and relevant agencies when contributing opinions, appraising and approving the planning;
5. Formulate a plan to implement the planning for the whole planning period and submit it to the provincial People's Committee for approval.
6. Approve and organize the implementation of annual plans to implement the planning:
 - a) Approve enterprises' plans to implement the passive telecommunications technical infrastructure planning.
 - b) Direct and instruct relevant organizations and individuals to develop the approved plan to implement the local passive telecommunications technical infrastructure planning.
 - c) Inspect the implementation of the approved plan prepared by the enterprise.

7. Build database and digital maps to update the status of passive telecommunications technical infrastructure within its province:

- a) Preside over and cooperate with departments and department-level agencies in collecting, updating, assessing, managing, storing, announcing, accessing and using information and database on planning in accordance with regulations.
- b) Organize the management of information and database on passive telecommunications technical infrastructure planning within its province through the online system of information and database on planning.
- c) Apply information technology and integrate information, database and applications to enable agencies, organizations and individuals to effectively access information and database on planning, thereby maintaining the ability to share, commonly use and increase the value of the information and database.
- d) Store, preserve and provide the information and database on planning.

Article 55. Responsibility of the planning consultancy

- 1. Take responsibility for contents under the contract, including the quantity, time limit for production, accuracy and quality of planning products.
- 2. Cooperate with relevant agencies, organizations and individuals in the process of formulation of the planning.

Article 56. Time limit for formulation of planning

- 1. The time limit for determining planning tasks shall not exceed 45 days.
- 2. The time limit for formulating planning shall be based on the approved planning tasks and shall not exceed 06 months from the time on which the planning tasks are approved.
- 3. The time limits specified in clauses 1 and 2 of this Article shall not cover the periods of time the planning tasks are appraised and approved, and the planning is appraised and approved.

Section 2. PLANNING FORMULATION

Article 57. Determination of planning tasks

- 1. Grounds for determining planning tasks:
 - a) Information and communications infrastructure planning, regional planning, provincial planning, road network planning, railway network planning, construction planning, urban and rural plannings and other national sector plannings and technically specialized plannings related to passive telecommunications technical infrastructure;

b) Relevant legislative documents;

c) Reports on the status of passive telecommunications technical infrastructure, review and assessment of implementation of the planning in the previous period.

2. Contents of planning tasks:

a) Grounds for formulating the planning;

b) Viewpoints and objectives for formulating the planning;

c) Scope, subjects and period of the planning;

d) Key tasks of the planning;

dd) Forecast about demands for development during the planning period;

e) Requirements for planning contents and methods;

g) Requirements for planning products (composition, quantity, standards and format of planning documentation);

h) Time limit for formulation of planning and planning formulation plans, and responsibilities of authorities for organizing formulation of planning;

i) Planning cost estimate.

Article 58. Organizing appraisal of planning tasks

1. The provincial People's Committee shall organize appraisal of planning tasks by establishing an Appraisal Council or assigning a competent unit to carry out appraisal.

2. An application for appraisal of planning tasks includes:

a) An application form;

b) A description of planning tasks;

c) Other documents (if any).

3. The following issues require the appraisal:

a) Conformity of legal bases;

b) Conformity, scientism and reliability of planning contents and planning formulation method;

c) Conformity of planning tasks with the estimate of costs and capital sources for formulation of planning;

d) Feasibility of the planning formulation plan.

4. Planning task appraisal report

a) A planning task appraisal report shall specify the issues mentioned in clause 3 of this Article;

b) From the end of the appraisal, the Appraisal Council or the competent unit shall submit a planning task appraisal report to the Department of Information and Communications.

c) From the date of receipt of the report, the Department of Information and Communications shall consider and respond to appraisal opinions to modify and complete the application for appraisal of planning tasks.

5. The Chairperson of the provincial People's Committee shall decide to establish an Appraisal Council in charge of appraising planning tasks.

6. The Appraisal Council includes:

a) a Chair;

b) Members that are representatives of local traffic, construction, information and communications, police and military authorities and representatives of relevant agencies and organizations;

c) Reviewers.

7. A planning task appraisal meeting will be held when at least 50% of the Appraisal Council members, including the Chair, are present.

8. Appraisal Council's mechanism for issuance of decisions

a) The Appraisal Council shall operate on a collective basis, openly make discussion and issue decisions by votes according to majority rule.

b) Planning tasks (and revisions thereto, if any) that are approved by more than 50% of the total number of appraisal council members are eligible to be submitted for approval

9. Minutes of the planning task appraisal meeting

a) The minutes of the planning task appraisal meeting shall specify opinions collected from the Council members and conclusions reached by the Chair.

b) From the date of receipt of the minutes, the Department of Information and Communications shall complete the application and submit it to the Chairperson of the provincial People's Committee for approval.

Article 59. Approval for planning tasks

1. An application for approval for planning tasks includes:

- a) An application form;
- b) A draft Decision on approval for planning tasks made by the Chairperson of the provincial People's Committee;
- c) Planning task appraisal report;
- d) A report on response to Appraisal Council's opinions (if any) about contents of planning tasks;
- dd) A description of the modified and completed planning tasks;;
- e) Other documents (if any).

2. The Decision on approval for planning tasks shall contain at least:

- a) Name, period, scope and subjects of the planning;
- b) Viewpoints, objectives and rules for formulating the planning;
- c) Requirements for planning contents and planning formulation method;
- d) Time limit for formulating planning;
- dd) Quantity, standards and format of planning dossier;
- e) Planning cost estimate;
- g) Responsibility for resolving issues that arise from the formulation of planning;
- h) Other contents requested by the authority approving the planning tasks.

Section 3. CONTENTS OF THE PLANNING AND COLLECTION OF OPINIONS ABOUT THE PLANNING

Article 60. Grounds for formulating the planning

The passive telecommunications technical infrastructure planning is formulated according to the local actual situation and on the basis of:

1. Provincial planning.
2. Information and communications infrastructure planning, regional planning, urban and rural plannings, national sector plannings and technically specialized plannings related to passive telecommunications technical infrastructure.
3. Status of passive telecommunications technical infrastructure of local enterprises providing telecommunications services with network infrastructure until the planning is formulated.
4. 05-year passive telecommunications technical infrastructure development plan prepared by each local enterprise providing telecommunications services with network infrastructure and divided into five 1-year stages with a 10-year development orientation from the time the planning is formulated.
5. Plan to develop technical infrastructure of local plannings.

Article 61. Contents of the planning

1. Requirements

- a) The local passive telecommunications technical infrastructure planning shall specify the provincial planning and be consistent with the approved information and communication infrastructure planning; conform to and synchronize with urban and rural plannings and technical infrastructure plannings of other sectors related to passive telecommunications technical infrastructure and relevant technical standards and regulations.
- b) The passive telecommunications technical infrastructure planning shall make sure that technical infrastructure systems and provinces are connected and uniform; meet requirements for the common use of technical infrastructure works among agencies, organizations, enterprises, and sectors and requirements for socio-economic development in combination with protection of national defense and security within provinces.
- c) The passive telecommunications technical infrastructure planning shall clearly define the objectives, requirements, contents and scale of the development of passive telecommunications technical infrastructure, and at the same time determine solutions and period of implementation of the planning.
- d) The planning shall be formulated on the basis of e status of passive telecommunications technical infrastructure, plans and forecasts for the development of infrastructure prepared by local telecommunications units and enterprises.

dd) Information technologies, including digital maps and electronic database shall be applied to establishment and management of the passive telecommunications technical infrastructure planning.

2. Contents

Main contents of the passive telecommunications technical infrastructure planning include:

a) Plans to develop underground technical infrastructure works and cable towers by regions, directions or routes (culverts, tanks, cable pipes; technical trenches, tunnels);

b) Antenna mast development plan;

c) Plans to develop houses and stations where telecommunication equipment is installed to serve telecommunications, including international submarine optical cable shore stations, international onshore transmission stations, terrestrial satellite stations, national backbone transmission systems, transmission stations of inter-provincial backbone transmission lines, regional switching centers;

d) Data center development plan and energy consumption demands

3. In addition to the above contents, according to the local actual situation and on the basis of legal regulations, the planning may contain other contents related to local passive telecommunications technical infrastructure.

Article 62. Plans to develop underground technical infrastructure works and cable towers

1. Objectives

a) Ensure network safety and improve the quality of telecommunications services;

b) Make sure that the telecommunications infrastructure is sustainably developed and has the natural disaster resilience on the basis of the current status of passive telecommunications technical infrastructure, natural disaster history, natural disaster hotspots, and local plans for management of natural disasters and search and rescue;

c) Bury and renovate telecommunications cables; develop the common use of infrastructure among telecommunication enterprises and sectors to gradually limit the establishment of telecommunications cable posts, thereby meeting requirements for environmental landscape protection, especially environmental landscape in urban areas that require high aestheticism for orientation towards underground cable routes;

d) Be synchronous with orientation and plans to bury cables and construct technical infrastructure of construction, transportation, electricity, lighting and water supply and drainage authorities.

2. Requirements

- a) Meet the demands for development of underground technical infrastructure works by regions, directions and routes of telecommunications units and enterprises during the planning period.
- b) Ensure that the priority is given to fulfillment of requirements for construction of underground technical infrastructure works for installation of telecommunications cables in new urban areas, industrial parks, export processing zones, high-tech zones, newly built, renovated or expanded roads and streets;
- c) Plans shall contain contents related to separate telecommunications cable posts or plannings shall be amended to increase underground technical infrastructure capacity in conformity with development plans prepared by enterprises in areas where it is no longer possible to lay underground cables in underground technical infrastructure works or where it is no longer possible to build underground technical infrastructure works and in case there are no utility poles or lamp posts, or utility poles or lamp posts are not capable of installation of telecommunications cables;
- d) The priority is given to the common use of a system of underground technical infrastructure works and cable posts if routes and directions of the telecommunication cable system are not different;
- dd) Underground technical infrastructure works and cable posts shall be safe and aesthetic, meet requirements for design, construction of works, and comply with relevant technical standards and regulations.
- e) Determine directions and routes of newly built cable posts and trenches according to principles of the maximum and common use of such posts, trenches and technical infrastructure of other sectors.
- g) Directions and routes of underground technical infrastructure works and cable posts shall be shown on a 1/10.000 map.

3. Contents

List of underground work and cable post routes is compiled according to Form No. 35 in the Appendix issued with this Decree. The following information shall be included:

- a) Name of district-level administrative division;
- b) Names of areas, routes, and streets where underground technical infrastructure works must be built, where separate telecommunication cable posts can be built, or where cable posts, utility poles, lamp posts and other pole structures can be commonly used for installation of telecommunication cables.

c) Type of technical infrastructure works used to install telecommunication cables, including: separate underground telecommunications technical infrastructure works (N1), common underground technical infrastructure works (N2), separate telecommunications cable posts (C1), common cable posts (C2);

d) Scale of technical infrastructure works used to install telecommunication cables;

d) Time on which works must be put into operation.

Article 63. Antenna mast development plan

1. Objectives

a) Determine the number of antenna masts to be developed, and the height of each antenna mast according to classification of construction works;

b) Determine the number of antenna masts that can face level-4 natural disaster risks and accommodate equipment of at least 02 enterprises;

c) Make a plan for district-wide mobile network coverage in coastal areas and islands to install coastal antenna masts, thereby serving production and trade and national defense and security on seas;

d) Make plans for development of other antenna masts in districts on the basis of the current status and the development demands of units.

2. Requirements

a) Antenna masts shall be safe and aesthetic, meet requirements for design, construction of works, and comply with relevant technical standards and regulations; and conform to standards and regulations on electromagnetic compatibility and radio frequency radiation safety; antenna masts that can face level-4 natural disaster risks shall be identified according to the current status of passive telecommunications technical infrastructure, natural disaster history, natural disaster hotpots and local plans for management of natural disasters, and search and rescue;

b) The height of the antenna mast shall be suitable to terrain and climate conditions in each region and meet the requirements for aviation and construction safety according to regulations of law;

c) The system of antennas installed on the antenna mast shall make sure that the telecommunications network operates safely, especially urban areas, and comply with regulations on environmental landscape protection;

d) The antenna mast development plan shall ensure coverage of mobile network coverage in the bordering land area while minimizing over-coverage of the mobile network at the request of the police authority.

3. The antenna mast planning (according to Form No. 36 in the Appendix enclosed with this Decree) shall contain the following information:

- a) Name of the district-level area;
- b) Type of technical infrastructure works, including mobile transceiver antenna masts (A1), coastal mobile transceiver antenna masts (A2), television antenna masts (A3), radio antenna masts (A4); taxi antenna masts (A5), other antenna masts (A6);
- c) Number of antenna masts according to the planning demand;
- d) Height of the antenna mast;
- dd) Sturdy antenna masts that can face level-4 natural disaster risks;
- e) Coastal antenna masts.

Article 64. Data center, telecommunications station and house development plans

1. Objectives

- a) Determine list and number of telecommunications stations, houses and corresponding land use demands (NT1) and telecommunication stations and houses without land use demands (NT2) in each district-level area.
- b) Determine list and number of data centers, including corresponding land use and energy consumption demands in each district-level area to ensure the installation of equipment serving telecommunications activities, thereby meeting development requirements.

2. Requirements

- a) Telecommunications stations/houses shall be safe and aesthetic, meet requirements for design and technical safety corridors of construction works, and comply with relevant technical standards and regulations;
- b) Telecommunications stations and houses that need to be built on land of new urban areas, industrial parks, export processing zones, high-tech zones, apartment buildings, public works, functional areas, and industrial clusters shall be capable of installation of the equipment and antenna masts to ensure that at least 02 telecommunications enterprises may provide services for users;
- c) Data centers shall be consistent with the energy planning.

3. Each telecommunications station/house development plan (according to Form No. 37 in the Appendix enclosed with this Decree) shall include the following contents:

- a) Number of houses/stations;
 - b) Functions of stations (satellite stations, submarine optical cable shore stations, intra-provincial, inter-provincial, national, international switch stations, radio and television stations and other telecommunications works);
 - c) Expected district-level area;
 - d) Estimated area of land used;
 - dd) Capability to install and use common works;
 - e) Type of technical infrastructure works (NT1/NT2).
4. The data center planning (according to Form No. 38 in the Appendix enclosed with this Decree) shall contain the following information:
- a) Expected district-level area;
 - b) Estimated area of land used;
 - c) Total electrical energy expected to be consumed.

Article 65. Collection of opinions about the planning

1. The Department of Information and Communications shall be responsible for collecting opinions from specialized authorities affiliated to the provincial People's Committee, the district-level People's Committees, relevant organizations, enterprises and individuals about the planning (if the planning is likely to affect railway and road safety corridors, the planning authority shall collect opinions from competent railway and road-managing authorities) and post them on its website and the website of the provincial People's Committee to collect public opinions for completion of the draft planning.
2. Opinions of specialized authorities affiliated to the provincial People's Committee, the district-level People's Committees, relevant organizations and enterprises about the planning shall be collected as follows:
 - a) The Department of Information and Communications shall send an enquiry; the enquired authorities, organizations and enterprises shall give written response;
 - b) The Department of Information and Communications shall consolidate and respond to opinions, and notify the provincial People's Committee for consideration before submitting the planning for appraisal.

Section 4. APPRAISAL, APPROVAL AND ANNOUNCEMENT OF THE PLANNING

Sub-section 1. APPRAISAL OF THE PLANNING

Article 66. Power to appraise the planning

The provincial People's Committee shall decide to establish an Appraisal Council, an assistance team (if any) to carry out appraisal.

Article 67. Planning Appraisal Council

1. The Planning Appraisal Council includes a Chair and members. The Chair is a head of the provincial People's Committee; the members are representatives of specialized authorities affiliated to the provincial People's Committee, the local police authority, the local military authority and experts (representatives of telecommunications enterprises with network infrastructure, planning, construction and traffic authorities and other relevant authorities), including 02 members who act as reviewers.

2. Structure and composition of the Appraisal Council and the assistance team shall be decided by the provincial People's Committee or the Chair.

3. Responsibilities and rights of the Appraisal Council:

a) The Chair shall take responsibility for operation of the Appraisal Council; organize and preside over meetings of the Appraisal Council; assign tasks to members; and report results of planning appraisal;

b) Each reviewer shall attend all Appraisal Council's meetings; consider applications for appraisal of planning; send his/her written opinions to the assistance team before the meeting;

c) Each member shall attend all Appraisal Council's meetings; consider applications for appraisal of planning; contribute his/her written opinions at Appraisal Council's meetings about specialized fields and perform other tasks assigned by the Chair; and be entitled to have his/her opinions recorded.

4. The assistance team shall be responsible for receiving, considering and processing applications, and providing applications for appraisal of planning for members of the Appraisal Council for consideration and contribution of opinions; organizing the Appraisal Council's meetings at the request of the Chair; drafting the meeting minutes and the Planning Appraisal Report and performing other tasks assigned by the Chair.

Article 68. Applications for appraisal of the planning

1. An application for appraisal of the planning includes:

a) An application form for approval of the planning;

b) A planning report;

c) A draft Decision on approval for the planning;

d) A consolidated report on opinions of local specialized authorities, district-level People's Committees, relevant organizations, enterprises and individuals about the planning; a report on responses to opinions about the planning;

dd) Planning map, diagram and data.

2. The Appraisal Council shall carry out appraisal only when a satisfactory application specified in clause 1 of this Article is received. Where necessary, the Appraisal Council is entitled to request the Department of Information and Communications to provide additional information and provide explanation for relevant contents.

Article 69. Collection of opinions during planning appraisal

1. From the date of receipt of the application for appraisal of planning, if the application is satisfactory, the Planning Appraisal Council shall send enquiries to its members.

2. Where necessary, the Appraisal Council shall decide to collect opinions of experts, socio-professional organizations and other relevant organizations.

Article 70. Planning appraisal

1. A planning appraisal meeting shall be held if it is attended by at least two thirds (2/3) of Appraisal Council's members, including the Chair and 02 reviewers.

2. Appraisal Council's mechanism for issuance of decisions:

a) The Appraisal Council shall operate on a collective basis, openly make discussion and issue decisions by votes according to majority rule;

b) The planning (and revisions thereto, if any) that is approved by more than 3/4 of the number of appraisal council members is eligible to be submitted for approval.

3. The planning appraisal result report shall specify opinions collected from the Council members and conclusions reached by the Chair.

4. If the planning (and revisions thereto, if any) is approved by the Appraisal Council, from the date of receipt of the planning appraisal result report, the Department of Information and Communications shall be responsible for completing the application and notifying the provincial People's Committee. If the planning is not approved by the Appraisal Council, from the date of receipt of the planning appraisal result report, the Department of Information and Communications shall be responsible for re-completing the application and notifying the provincial People's Committee.

Article 71. Instructions following a planning appraisal meeting

1. If the planning is eligible to be submitted for decision or approval and no revision is required, from the end of the planning appraisal meeting, the Chair of the Appraisal Council shall approve the report on results of planning appraisal and send it to the Department of Information and Communications for completion of the application for approval for the planning.

2. If the planning is eligible to be submitted for approval but revisions are required:

a) From the end of the planning appraisal meeting, the Appraisal Council shall send the conclusion to the Department of Information and Communications to consider revisions and complete the planning according to the Appraisal Council's conclusion. The Department of Information and Communications shall send the revised planning, enclosed with a written representation of responses to the Appraisal Council's opinions to the Appraisal Council;

b) The Appraisal Council shall receive the revised planning project dossier, review the revisions and send the dossier to members of the Council for seeking opinions;

c) If the planning is approved by more than 50% of the members, the Appraisal Council shall make a planning appraisal result report and send it the Chair for approval, and the Department of Information and Communications for completion of the application for approval for the planning;

d) If the planning fails to be revised as requested by the Appraisal Council, the Appraisal Council shall issue a document providing guidance on the revision to the Department of Information and Communications.

3. If the planning is ineligible to be submitted for approval, from the end of the planning appraisal meeting, the Appraisal Council shall send its conclusion to the Department of Information and Communications for review and revision to the planning dossier.

Sub-section 2. APPROVAL AND ANNOUNCEMENT OF THE PLANNING

Article 72. Applications for submission and approval of the planning

An application for approval for the planning includes:

1. a) An application form;

2. A draft decision on approval for the planning, including period, scope, viewpoints, objectives, requirements, contents, solutions, implementation and organization of implementation of the planning.

3. A report on results of planning appraisal.

4. A consolidated report on explanation about opinions of specialized authorities affiliated to the provincial People's Committee, district-level People's Committees, relevant organizations,

enterprises and individuals about the planning; a description of the revised and completed planning.

5. Map/diagram at scale of 1/10.000.

Article 73. Announcement of the planning

1. The announcement of the planning is prescribed in the law on planning, except for contents related to state secrets in accordance with the protection of state secrets.

2. The provincial People's Committee shall announce the planning on mass media, post it on its website and the website of the Department of Information and Communications, and send it to the Ministry of Information and Communications.

Section 5. ORGANIZATION OF IMPLEMENTATION, ASSESSMENT AND ADJUSTMENT OF THE PLANNING

Article 74. Organizing implementation of the planning

1. The implementation of the planning shall be organized within the jurisdiction specified in the competent authority's decision on approval for the planning.

2. The provincial People's Committee shall:

a) Direct the Department of Information and Communications to establish, update, and set up an additional digital database on planning maps and documents according to regulations to share them with local specialized authorities and notify the Ministry of Information and Communications;

b) Update the planning database on the local general planning database;

c) Direct competent authorities to organize the implementation of the planning and issue construction permits to telecommunications works, common works, underground works, and improve urban beauty;

d) Conduct inspection of the implementation of the planning and the plan to implement the passive telecommunications technical infrastructure planning.

Article 75. Assessment and review of implementation of the planning

1. The implementation of the planning shall be assessed in planning period, upon adjustment of the planning or at the request of the provincial People's Committee.

2. Issues that need assessing include:

a) Fulfillment of objectives of the planning;

b) Effects related to socio - economic development, national defense and security within the area where the planning is implemented;

c) Implementation of the planning and difficulties;

d) Policies and solutions for organization of the implementation of the planning.

3. The Department of Information and Communications shall be responsible for organizing the review of the planning and sending a report to the Provincial People's Committee within 30 months from the date the planning is approved to adjust it in accordance with the local socio-economic development, national defense and security situation.

Article 76. Adjustment of the planning

1. Adjustments to the planning shall be made if one of the following bases is available:

a) Adjustments to the objectives of the local socio-economic development strategy and the industry/sector development strategy change the objectives of the planning;

b) Adjustments to the planning at a higher level change contents of the planning or create conflicts with the planning of the same level;

c) Effects of natural disasters, climate change and war change the objectives, orientations and spatial organization of the planning;

d) The planning cannot be implemented or by the review and assessment of implementation of the planning, it is determined that the implementation of the planning adversely affects socio-economic development, national defense and security and historical and cultural relics.

2. Partial adjustments are made to contents of the planning but do not affect the objectives, viewpoints, development orientations and solutions for implementation of the approved planning and uniformity of the planning is ensured within a region when:

a) There are realistic demands for development of the network for provision of new technology telecommunications services and increase in the capacity and quantity of infrastructure;

b) The rapid development of science and technology makes the planning information obsolete by the social development trend;

c) There is a change or adjustment of the administrative boundary.

Article 77. Powers over and procedures for adjustments to the planning

1. Procedures for adjusting planning are the same as those for formulating, appraising, approving, announcing and providing information about the planning as prescribed in this Decree.

2. Procedures for making partial adjustments shall be followed as follows:

- a) The provincial People's Committee shall assign the Department of Information and Communications to make partial adjustments and submit a report on partial adjustments to the planning.
- b) The Department of Information and Communications shall carry out review and seek opinions of traffic and construction authorities and other relevant local authorities;
- c) The provincial People's Committee is requested to approve partial adjustments to the planning.

Article 78. Planning implementation plan

1. The planning implementation plan shall be issued after the passive telecommunications technical infrastructure planning is approved. The Department of Information and Communications shall formulate the plan and send it to the Provincial People's Committee for approval for the whole planning period.

2. Every year, the Department of Information and Communications shall be responsible for approving the planning implementation plans prepared by local enterprises with telecommunications network infrastructure in order to ensure:

- a) effective implementation of the approved local passive telecommunications technical infrastructure planning;
- b) synchronization with technical infrastructure development plans of other sectors and cooperation in implementation when approved;
- c) common use of technical infrastructure works in such a way to ensure safety and protect the local environmental landscape;
- d) synchronization with local plans to develop traffic/construction infrastructure and bury electricity, water supply and drainage, lighting infrastructure and other relevant technical infrastructure;
- dd) Reduction in duration and simplification of procedures for issuance of permits for construction of local telecommunications works;
- e) updates on databases and digital maps to serve the management of passive telecommunications technical infrastructure in particular and provincial technical infrastructure in general.

3. Each annual plan (according to Form No. 39 in the Appendix enclosed with this Decree) approved under a decision shall include the following main contents:

- a) plan for development of underground technical infrastructure works (culverts, tanks, cable pipes; technical tunnels, trenches), telecommunications cable posts (according to Form No. 40 in the Appendix issued together with this Decree);
- b) plan to develop antenna masts built in each area, made into a table and shown in a digital map (according to Form No. 41 in the Appendix issued together with this Decree);
- c) plan to develop telecommunications stations/houses built in each area, made into a table and shown in a digital map (according to Form No. 42 in the Appendix issued together with this Decree);
- d) plan to develop other relevant technical infrastructure works to install telecommunications equipment (according to Form No. 43 in the Appendix issued together with this Decree);
- dd) plan for common use of passive telecommunications technical infrastructure (according to section 07, Form No. 39 in the Appendix issued together with this Decree);
- e) plan to develop data centers located within the province (according to Form No. 44 in the Appendix issued together with this Decree);
- g) In addition to the above contents, according to the local actual situation and on the basis of applicable regulations of law, this plan may contain other contents related to local passive telecommunications infrastructure.

4. Each local enterprise providing telecommunications services with network infrastructure shall:

- a) collect and report data on local passive telecommunications technical infrastructure as required by the Department of Information and Communications to formulate, submit for approval, announce and manage the local passive telecommunications technical infrastructure planning;
- b) provide data to serve the formulation of the planning implementation plan which contains the main contents specified in clause 3 of this Article;
- c) submit annual passive telecommunications technical infrastructure development plans to the Department of Information and Communications for approval;
- d) offer recommendations to the Department of Information and Communications to handle and remove difficulties;
- dd) Build database and digital maps to update the current status of the unit's passive telecommunications technical infrastructure so as to serve the formulation of the planning and the planning implementation plan and the approval of the enterprise's implementation plan.

Chapter VI

TELECOMMUNICATIONS WORKS

Article 79. Telecommunications infrastructure safety assurance

1. Each telecommunications enterprise shall be responsible for ensuring the safety of the telecommunications infrastructure. To be specific:

a) protect telecommunications infrastructure to prevent attacks, intrusion, and sabotage; prevent and control incidents caused by fire, explosion, and other factors;

b) implement backup solutions and equipment systems to maintain stable and safe operation of telecommunications infrastructure;

c) implement solutions and measures to prevent prohibited acts as prescribed in Article 9 of the Law on Telecommunications;

d) ensure safety for telecommunications network equipment and operators;

dd) Ensure the safety of telecommunications infrastructure according to relevant technical standards and regulations.

2. An important telecommunications work related to national security means a telecommunications work that has special importance to the operation of the entire national telecommunications network and a direct impact on economic and social development, and national defense and security. Criteria for determination of important telecommunications works related to national security shall comply with regulations issued by the Prime Minister.

3. The protection of important telecommunications works related to national security shall comply with regulations of the law on protection of important works related to national security.

Article 80. Design, construction, installation and use of telecommunications works

1. The Ministry of Construction shall preside over and cooperate with the Ministry of Information and Communications in formulating and promulgating national technical regulations and regulations on management of telecommunications cable networks and mobile transceiver systems in apartment buildings.

2. The design, construction and installation of telecommunications works shall be consistent with the passive telecommunications technical infrastructure planning. In case the passive telecommunications infrastructure planning has not yet been issued, the Department of Information and Communications, on the basis of the information and communications infrastructure planning, the provincial planning, the regional planning, the urban and rural planning, national sectoral plans and relevant technically specialized plans, shall advise the provincial People's Committee to issue a document on determination of the suitability of such works.

3. The passive telecommunications technical infrastructure shall be used in such a way to ensure that service users are entitled to randomly select telecommunications enterprises, thereby promoting competition for network establishment and provision of telecommunications services by telecommunications enterprises in apartment buildings, public works, functional areas, and industrial clusters.

4. Agencies, organizations and units assigned to manage and use public assets as prescribed in clause 3 and clause 4, Article 65 of the Law on Telecommunications include regulatory authorities; units affiliated to the people's armed forces; public service providers; agencies affiliated to the Communist Party of Vietnam; Vietnam Fatherland Front, socio-political organizations; socio-political-professional organizations; social organizations, socio-professional organizations, other organizations established under regulations of the law on associations; enterprises and others according to regulations of relevant laws.

5. If telecommunications works are located within separation distance of road infrastructures, the design, construction, management and use of such telecommunications works shall comply with regulations of the law on roads and other relevant laws.

Article 81. Sharing telecommunications infrastructure

1. The Ministry of Information and Communications shall decide to share telecommunications infrastructure among telecommunications enterprises as required by ministries, central and local authorities to serve search, rescue, management of natural disasters, fire safety, and prevention of other disasters and epidemics.

2. Telecommunications enterprises are obliged to share passive telecommunications technical infrastructure as prescribed in point b, clause 4, Article 13 and clause 2, Article 47 of the Law on Telecommunications with other telecommunications enterprises.

If the parties cannot agree on a price for sharing passive telecommunications infrastructure, negotiation shall be conducted in accordance with regulations of the law on prices. If the parties cannot reach an agreement on other contents regarding the sharing of passive telecommunications technical infrastructure:

a) The Department of Information and Communications shall preside over negotiation and handle the sharing of passive telecommunications technical infrastructure located in areas under its management;

b) The Ministry of Information and Communications (Department of Telecommunications) shall preside over negotiation and handle the sharing of passive telecommunications technical infrastructure located in two or more provinces.

3. Active telecommunications technical infrastructure sharing means an act of common use of a part of the telecommunications network and equipment by telecommunications enterprises. Active telecommunications technical infrastructure sharing shall:

- a) comply with regulations of clause 2, Article 47 of the Law on Telecommunications;
- b) comply with regulations of the law on competition, the law on radio frequencies and other relevant laws.

4. The telecommunications infrastructure shall be shared between telecommunications enterprises and authorities and organizations directly serving national defense and security to perform national defense and security tasks specified in point b, clause 1, Article 47 of the Law on Telecommunications. To be specific:

- a) Telecommunications enterprises shall be responsible for sharing telecommunications infrastructure with authorities and organizations directly serving national defense and security, except for the case where it is not technically feasible if the telecommunications infrastructure is shared;
- b) If the telecommunications infrastructure is shared among authorities and organizations directly serving national defense and security in order to perform national defense and security tasks in association with provision of telecommunications services, the telecommunications infrastructure is shared in accordance with point a of this clause so as to perform only national defense and security tasks.

Article 82. Burial and renovation of telecommunications cables

1. According to the approved passive telecommunications technical infrastructure planning, the approved planning implementation plan, annual planning implementation plans prepared by telecommunications enterprises with network infrastructure, the plan to develop local traffic/construction/technical infrastructure, the provincial People's Committee shall direct the burial and renovation of local telecommunications cables.

While the passive telecommunications technical infrastructure planning and plans to implement the planning have not yet been issued, the Department of Information and Communications shall, according to the passive telecommunications technical infrastructure development plans prepared by telecommunications enterprises with network infrastructure, and the plan to develop local traffic/construction/technical infrastructure, advise the provincial People's Committee to issue and organize the implementation of the plan to bury and renovate local telecommunications cables.

- 2. Telecommunications enterprises shall be responsible for participating in and contributing funds to the burial and renovation of their telecommunications cables.
- 3. Telecommunication cables shall be buried and renovated in a manner that ensures maximum common use of technical infrastructure works and complies with technical standards in the fields of telecommunications and construction. The common use of telecommunications technical infrastructure works and other technical infrastructure works shall comply with regulations of the law on telecommunications and other relevant laws.

Chapter VII

IMPLEMENTATION CLAUSES

Article 83. Amendment, replacement and annulment of some articles of relevant Decrees

1. The phrase "issuance" shall be replaced by the phrase "re-issuance" at point b1, clause 2, Article 19, points b, d, clause 4, point d, clause 5, clause 6, Article 19; point b, clause 2, point b, clause 3, Article 26; point b1, clause 2, clause 3, Article 28 of the Government's Decree No. 63/2023/ND-CP dated August 18, 2023 on elaboration of the Law on Radio Frequencies No. 42/2009/QH12 amended by the Law No. 09/2022/QH15.

2. Article 33 of the Government's Decree No. 63/2023/ND-CP dated August 18, 2023 on elaboration of the Law on Radio Frequencies No. 42/2009/QH12 amended by the Law No. 09/2022/QH15 shall be amended as follows:

a) Point a clause 1 shall be amended as follows:

“a) meet the requirements for re-issuance or revisions to license to provide telecommunications services as prescribed by law on telecommunications;”

b) Point b clause 3 shall be amended as follows:

“b) An application shall be submitted to the Ministry of Information and Communications (Telecommunications Department), including an application for re-issuance or revisions to license to provide telecommunications services according to regulations of law on telecommunications for the frequency band to which the frequency band use license is required to be re-issued and a commitment to operate the telecommunications network according to the Form in Appendix IV issued together with this Decree”.

3. Clause 4 Article 33 of the Government's Decree No. 63/2023/ND-CP dated August 18, 2023 on elaboration of the Law on Radio Frequencies No. 42/2009/QH12 amended by the Law No. 09/2022/QH15 shall be annulled.

Article 84. Effect

1. This Decree takes effect from December 24, 2024. Regulations on management of data center services, cloud computing services, and basic telecommunications services on the Internet will take effect from January 1, 2025.

2. The Government's Decree No. 25/2011/ND-CP dated April 6, 2011 on elaboration and guidelines for implementation of some articles of the Law on Telecommunications, the Government's Decree No. 81/2016/ND-CP dated July 1, 2016 on amendments to a number of articles of the Government's Decree No. 25/2011/ND-CP dated April 6, 2011 on elaboration and guidelines for implementation of some articles of the Law on Telecommunications, the Government's Decree No. 49/2017/ND-CP dated April 24, 2017 on amendments to Article 15 of

the Government's Decree No. 25/2011/ND-CP dated April 6, 2011 on elaboration and guidelines for implementation of some articles 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 against regulations on posts, telecommunications, information technology and radio frequency shall be annulled.

Article 85. Transition clauses

1. Each organization/enterprise issued with a telecommunications license according to the Law on Telecommunications No. 41/2009/QH12 and the Law on Telecommunications No. 24/2023/QH15 shall pay a fees for issuance of the license and fee for the right to operate telecommunications corresponding to each telecommunications activity that has been licensed, scope, and telecommunications resources used in accordance with regulations of the applicable law on fees and charges until the competent authority issues a replacing document.

2. Regarding new telecommunications activities specified in the Law on Telecommunications No. 24/2023/QH15, if regulations on collection of fees and charges have not yet been issued according to the applicable law on fees and charges, fees and charges will not be collected until the competent authority issues a document containing such regulations.

Article 86. Implementation

1. Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Chairpersons of People's Committees of provinces and central-affiliated cities and relevant organizations, enterprises and individuals shall be responsible for implementing this Decree.

2. The Ministry of Information and Communications, within its functions and tasks, shall be responsible for organizing and providing guidance on the implementation of this Decree.

**ON BEHALF OF THE GOVERNMENT
PP. THE PRIME MINISTER
DEPUTY PRIME MINISTER**

Ho Duc Phoc