

LAW ON TELECOMMUNICATIONS

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Telecommunications

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Law provides for telecommunications activities, rights and obligations of organizations and individuals participating in telecommunications activities, state management of telecommunications.

Article 2. Regulated entities

This Law applies to Vietnamese organizations and individuals, foreign organizations and individuals that directly or indirectly participate in or are involved in telecommunications activities in Vietnam.

Article 3. Definitions

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

- "telecommunications" are the sending, transmission, receipt and processing of symbols, signals, data, text, images, sound or other forms of information by cables, radio waves, optical devices and other electromagnetic devices.*
- Telecommunications activities* include investment and provision of basic telecommunications services, value-added telecommunications services; public telecommunications activities; issuance, reissuance, revision, revocation of telecommunications licenses; connection and sharing of telecommunications infrastructure; management of telecommunications resources; management of technical regulations and standards, quality and services for telecommunications services, construction of telecommunications works.
- Telecommunication devices* are technical devices including hardware, software, hardware with software used for telecommunications.

4. *Terminal devices* are fixed or mobile telecommunication devices that are connected to the terminal end of a telecommunications network for sending, transmitting, receiving and processing information.

5. *Network devices* are telecommunication devices installed on a telecommunications network for provision of telecommunications services.

6. *Telecommunications goods* are telecommunication devices and supplies that can be traded, sold and bought on the market.

7. *Telecommunications services* include basic telecommunications services and value-added telecommunications services.

a) Basic telecommunications services are services including sending, transmission, and receipt of information between two people or a group of people using telecommunications services among terminal devices via a telecommunications network.

b) Value-added telecommunications services are services that provide additional functions including processing, storage, and extraction of information for users via sending, transmitting, receiving information on a telecommunications network.

8. *Basic telecommunications services on the internet* are services that provide primary functions including sending, transmission, and receipt of information between two people or a group of people using telecommunications services on the internet.

9. *Data center services* are services that provide functions including processing, storage, and extraction of information for users via the telecommunications network by leasing part or all of the data center.

10. *Cloud computing* is a model that allows flexible use, on-demand adjustment and administration of shared computing resources, including networks, servers, storage devices, applications.

11. *Cloud computing services* are services that provide functions including processing, storage, and extraction of information for users via cloud computing.

12. *Telecommunications application services* are services using the telecommunications network to provide application services in the fields of information technology, radio and television broadcasting, commerce, finance, banking, culture, information, health, education and others.

13. *Transmission line* is a collection of telecommunication devices used for establishing part of or the entire information transmission line between two defined points.

14. *Telecommunications network* is a collection of telecommunication devices that are connected by transmission lines to provide telecommunications services or telecommunications application services.

15. *Public telecommunications network* is telecommunications network established by a telecommunication enterprise to provide commercial telecommunications services or telecommunications application services for the public.

16. *Private telecommunications network* is telecommunications network established by an organization operating in Vietnam to provide telecommunications services or telecommunications application services for its network members for purposes other than direct profit from operation of such network.

17. *Local area network (LAN)* is a telecommunications network established by an organization or individual at a location with a defined area and address to which such organization has the legal right to use for the purpose of internal communication instead of direct profit from operation of such network.

18. *Internet* is a global information system that uses Internet protocol and Internet resources to provide various services and applications for telecommunications service users

19. *Endpoint node of a public telecommunications network* is a physical connection point of a telecommunications network according to technical regulations and standards to assure the connection of terminal devices to the telecommunications network and set the boundary between the telecommunication enterprise and telecommunications service users.

20. *Telecommunication connections* are physical and logical connections of telecommunications networks through which telecommunications service users of one network can communicate with users or access services of another network and vice versa.

21. *Telecommunication works* are construction works including passive telecommunications technical infrastructure and devices installed thereon to serve telecommunication operations.

22. *Passive telecommunications technical infrastructure* is infrastructural works including houses, stations, antenna masts, cable posts, conduits, ducts, trenches, tunnels and other relevant infrastructural works for installation of telecommunication devices.

23. *Data centers* are telecommunication works, including the houses, stations, cable systems, computer systems, electricity systems and auxiliary devices installed thereon to process, store and manage data of one or several organizations and individuals.

24. *Telecommunications infrastructure* is a collection of telecommunications networks and telecommunication works.

25. *Essential devices* are important parts of a telecommunications infrastructure owned or largely owned on the telecommunications market and the establishment of replacing infrastructure is economically and technically unfeasible.

26. *Telecommunications resources* are national resources, including telecommunications numbers, Internet resources, radio frequency spectra and satellite orbits under the management of Vietnam.

27. *Telecommunications numbers* are a collection of codes and numbers under the management of Vietnam and are uniformly planned for establishment of telecommunications networks, provision and use of telecommunications services and telecommunications application services.

28. *Internet resources* are a collection of domain names, Internet addresses, network codes, other numbers and names under the management of Vietnam, including Vietnamese Internet resources and international Internet resources allocated by international organizations to organizations and individuals for use in Vietnam.

29. *Telecommunications enterprises* are enterprises established in accordance with Vietnamese law and are permitted to provide telecommunications services in accordance with this Law. Telecommunication enterprises include:

a) Providers of services with network infrastructure are enterprises that establish, own public telecommunications networks and provide telecommunications services;

a) Providers of services without network infrastructure are enterprises provide telecommunications services without establishing or owning public telecommunications networks.

30. *Telecommunications services agents* are organizations and individuals that sign contracts with telecommunication enterprises to provide telecommunications services for users.

31. *Telecommunications service users* are organizations and individuals that sign telecommunications service contracts with telecommunication enterprises or telecommunications service agents.

32. *Telecommunication subscribers* are telecommunications service users associated with specific telecommunications resources or transmission lines.

33. *Resale of telecommunications services* means a telecommunication enterprise or telecommunications service agent to provide telecommunications services by leasing or buying telecommunications traffic or service under a contract with another telecommunication enterprise.

34. *Subscriber Identification Module (SIM)* is an integrated circuit intended to store a subscriber number, other information and data used for provision and use of telecommunications services.

35. *Foreign organizations* are organizations that are established overseas under foreign laws.

Article 4. State policies on telecommunications

1. Enable organizations and individuals in all economic sectors to invest and participate in telecommunications business in order to populate wideband telecommunications infrastructure, data centers, cloud computing toward sustainability and modernity; form digital infrastructure that satisfies the requirements for development of digital economy and digital society, contributes to defense and security and improves the people's life.
2. Ensure healthy competition in telecommunications.
3. Facilitate development of infrastructure and provision of telecommunications services in border areas, mountainous areas, highland regions, coastal sand dunes, coastal areas, islands, ethnic minority areas, disadvantaged areas; separate public telecommunication operations from and telecommunication business.
4. Promote application of the internet to administration, education, training, healthcare, scientific research and other fields.
5. Research and develop new-generation Internet applications, technologies, standards, low-altitude satellites, next-generation telecommunications network technologies.
6. Investment construction and modernization of dedicated telecommunications networks serving national defense, security, operations of Communist Party agencies and the State.
7. Encourage development of human resources for telecommunications to meet the requirements for effective management and operation of telecommunications infrastructure.
8. Promote international cooperation in telecommunications on the basis of respect for independence, sovereignty, territorial integrity, mutual benefits, conformity with the law of Vietnam and international treaties to which the Socialist Republic of Vietnam is a signatory.

Article 5. Ensuring safety of telecommunications infrastructure, cybersecurity and information security

1. Ensuring safety of telecommunications infrastructure, cybersecurity and information security is the responsibility of all organizations and individuals. Organizations and individuals are responsible for promptly reporting any obstruction to lawful construction, sabotage or violation of telecommunications infrastructure to the People's Committee of the commune or the nearest police authority.
2. Telecommunication enterprises, organizations establishing telecommunications networks, organizations and individuals owning passive telecommunications infrastructure, telecommunications service agents and telecommunications service users have the responsibility to protect telecommunications networks and terminal devices.
3. During performing activities, organizations and individuals must not cause harmful interference, damage telecommunications devices, works and networks or adversely affect lawful operation of telecommunications infrastructure of other organizations and individuals.

4. Organizations and individuals engaged in telecommunications activities shall be subject to management, inspection and examination by competent state agencies, and respond to requests of these agencies for the assurance of safety of telecommunications infrastructure and information security according to regulations of law.

5. The Ministry of National Defense, the Ministry of Public Security and People's Committees at all levels and relevant agencies shall, within the ambit of their tasks and powers, protect the safety of the telecommunications infrastructure and handle acts of obstruction to lawful construction, sabotage or violation of telecommunications infrastructure

6. Telecommunication enterprises are responsible for terminating the provision of telecommunications services in case of mob violence or use of telecommunications services against national security or the State of the Socialist Republic of Vietnam at the request of competent state agencies under regulations of law.

7. At the request of competent state agencies according to the Cybersecurity Law, telecommunications enterprises shall provide telecommunications network access points and other necessary technical and professional conditions for these agencies to control and protect the information security

8. The Government shall elaborate assurance about safety of telecommunications infrastructure and cybersecurity in telecommunications activities.

Article 6. Ensuring information confidentiality

1. Organizations and individuals engaged in telecommunications activities shall protect state secrets under the law on protection of state secrets.

2. When sending, transmitting or storing information classified as state secrets through telecommunications networks, organizations and individuals shall encrypt such information under the law on cipher.

3. Private information transmitted through public telecommunications networks of all organizations and individuals shall be kept confidential. Information on telecommunications networks shall be controlled by competent state agencies under regulations of law.

4. Telecommunications enterprises must not disclose private information related to telecommunications service users, including information on telecommunication subscribers (names, addresses, telecommunications subscriber numbers and other private information provided by users upon entry into contracts with telecommunications enterprises), and information about use of telecommunications services (sending and receiving numbers, positions of sending and receiving terminal devices, sending and receiving time, call duration and internet address), except for the following cases:

a) Telecommunications service users agree to provide information according to regulations of the law on protection of personal data;

- b) Telecommunications enterprises agree in writing to exchange and provision of information on telecommunication subscribers and use of telecommunications services by users for calculation of charges and billing of invoices;
- c) Telecommunications enterprises provide information on telecommunication subscribers that commit acts of shirking obligations to pay telecommunications service prices according to regulations issued by the Minister of Information and Communications;
- d) There is any request from competent state agencies according to regulations of law.

Article 7. Information prioritized for transmission via telecommunications networks

- 1. Urgent information in service of national defense and security.
- 2. Urgent information in service of prevention and control of natural disasters, search and rescue, salvage, fires and other disasters.
- 3. Urgent information in service of prevention and control of epidemics and diseases.
- 4. Other cases specified by the law on cases of emergency.

Article 8. National telecommunications development planning

- 1. National telecommunications development planning is integrated into the information and communications infrastructure planning with a view to setting objectives, principles and orientations for development of telecommunications market, infrastructure, technologies and services and solutions thereto.
- 2. The formulation of national telecommunications development planning shall adhere to the following principles:
 - a) Conform to the national strategy, national planning and national socio-economic development plan during each period; comply with Vietnamese laws and international treaties to which the Socialist Republic of Vietnam is a signatory;
 - b) Be consistent with the trend of telecommunications technology and service convergence; and facilitate the application of modern and advanced technologies;
 - c) Ensure effective and economical management, extraction and use of telecommunications resources for proper purposes;
 - d) Ensure the sustainable and harmonious telecommunications development: narrow down the telecommunications development gap among different regions and areas;
 - dd) Protect the environment and ensure the safety of telecommunications infrastructure and information security.

3. According to information and communications infrastructure planning, regional planning, provincial planning, technical planning and specialized planning, telecommunications enterprises shall formulate their plannings and plans.

Article 9. Prohibited acts in telecommunications activities

1. Taking advantage of telecommunications activities to commit acts against the State of the Socialist Republic of Vietnam; violating national security or social order and safety, thereby causing harm to interests of the State, the legitimate rights and interests of organizations and/or individuals

2. Stealthily retrieving, eavesdropping on or accessing without permission information on telecommunications networks; hacking and using without permission telecommunications resources, passwords, keywords and private information of other organizations and individuals.

3. Illegally obstructing the establishment of telecommunications infrastructure, disrupting or undermining the establishment of telecommunications infrastructure, lawful provision and use of telecommunications services.

4. Establishing telecommunications infrastructure and providing telecommunications services without permission under regulations of law.

5. Using devices and software that send, transmit and receive information via telecommunications networks in order to commit violations against law.

Chapter II

TELECOMMUNICATIONS BUSINESS

Section 1. TELECOMMUNICATIONS BUSINESS AND INVESTMENT

Article 10. Forms of telecommunications business

1. Telecommunications business means provision of telecommunications services and trade in telecommunications goods:

a) Provision of telecommunications services means investment in establishment of public telecommunications networks and provision of telecommunications services for profitable purposes.

b) Trade in telecommunications goods means investment in manufacture, exchange, sale and purchase, or lease of telecommunications goods for profitable purposes.

2. The provision of telecommunications services shall comply with this Law and other relevant laws. The trade in telecommunications goods shall comply with Articles 42 and 55 of this Law and other relevant laws.

Article 11. Ownership in provision of telecommunications services

1. The State shall maintain its contributed capital and shares in order to ensure control of the operation of telecommunications service providers with network infrastructure which are particularly important to operation of the entire national telecommunications infrastructure and exert direct effects on socio-economic development and defense and security maintenance.
2. The Prime Minister promulgates the list of service providers with network infrastructure specified in Clause 1 of this Article.
3. The Government shall prescribe the maximum percentage of stake or shares an organization or individual may hold in 02 or more telecommunications enterprises operating in the same telecommunication market to ensure healthy competition.

Article 12. Investment in provision of telecommunications services

1. Investment in provision of telecommunications services in Vietnam shall comply with this Law and the law on investment.
2. Conditions for access to market applicable to foreign investors in provision of telecommunications services shall comply with Vietnamese laws and international treaties to which the Socialist Republic of Vietnam is a signatory.
3. Offshore investment in provision of telecommunications services shall comply with the law on investment.

Article 13. Rights and obligations of telecommunications enterprises

1. A service provider without network infrastructure has the following rights:
 - a) Build, install and own a system of telecommunications devices and transmission lines within locations of its public service establishments and points to provide telecommunications services for users;
 - b) Hire transmission lines for connection between its system of telecommunications devices and public service establishments and points and public telecommunications networks of other telecommunications enterprises;
 - c) Hire transmission lines or buy telecommunications traffic or services of other telecommunications enterprises for resale to telecommunications service users;
 - d) Sublease telecommunications infrastructure to other telecommunications enterprises in case where the telecommunications enterprise leasing such telecommunications infrastructure gives consent;

dd) Be provided with telecommunications resources under regulations of this Law on management of telecommunications resources;

e) Conduct study for development of, and test of new technologies and models in telecommunications activities;

g) Exercise other rights according to regulations of the Law on Enterprises and other relevant laws.

2. A service provider without network infrastructure also has the following obligations:

a) Make financial contributions to Vietnam public-utility telecommunication service fund according to regulations of law;

b) Take responsibility for the quality of services according to registered or announced standards; ensure the correct, adequate and accurate calculation of service charges under telecommunications service contracts;

c) Be subject to the control by competent state agencies and comply with regulations on assurance of safety of telecommunications infrastructure and information security;

d) Report, on a periodic or ad hoc basis, on its telecommunications activities according to regulations of the Minister of Information and Communications; and take responsibility for the accuracy and timeliness of reported contents and data.

dd) Implement measures to prevent connection to Internet addresses and domain names and other preventive measures applicable to the system of telecommunications devices, telecommunications services and telecommunications application services used to commit the acts specified in Clause 1 Article 9 of this Law at written request of competent state agencies according to regulations of law;

e) Prepare a plan for technical connections which meet requirements for state management of telecommunications according to regulations issued by the Minister of Information and Communications to serve data report by electronic means;

g) Respond to requests of competent state agencies for mobilization of a part of or the entire telecommunications infrastructure or telecommunications services in emergency cases according to regulations of laws on national defense and security and emergency cases;

h) Ensure that telecommunication subscribers retain subscriber numbers when the service provider is changed with regard to telecommunications services of the same type;

i) Only provide telecommunications services for users whose information is adequate and consistent with that on personal documents presented upon entry into contracts according to regulations of law;

- k) Verify, store and use information about telecommunication subscribers, and handle SIM containing inadequate and incorrect information on telecommunication subscribers;
- l) Prevent and control illegal messages and calls according to the Government's regulations;
- m) Stop providing telecommunications services for telecommunication subscribers that commit violations against the law on telecommunications;
- n) Fulfill other obligations prescribed by law on enterprises and other regulations of relevant laws.

3. A service provider with network infrastructure has the following rights:

- a) Have rights specified in Clause 1 of this Article;
- b) Be prioritized for use of the space, ground surface, underground space, river bed, sea bed and land intended for public purposes in order to build telecommunications infrastructure under the planning, technical standards and regulations and relevant laws;
- c) Lease telecommunications infrastructure out to other telecommunications enterprises;
- d) Participate in provision of public-utility telecommunications services.

4. A service provider with network infrastructure has the following obligations:

- a) Have obligations specified in Clause 2 of this Article;
- b) Lease other telecommunications enterprises passive telecommunications technical infrastructure if consistent with the planning for passive telecommunications technical infrastructure and economically and technically feasible;
- c) Decommission and demolish telecommunications works under its ownership and management showing signs of danger and failing to ensure safe operation and use according to the law on construction;
- d) Carry out undergrounding and renewal of telecommunications cables

5. The Government shall elaborate Points h, k and m Clause 2, point d Clause 4 of this Article.

Article 14. Rights and obligations of telecommunications service agents

1. A telecommunications service agent has the following rights:

- a) Set up a system of terminal devices at a location intended for provision of telecommunications services for users as agreed in a telecommunications service agency contract;

- b) Provide or resell telecommunications services under this Law;
- c) Request the telecommunications enterprise to sign the telecommunications service agency contract to provide guidance and supply information on telecommunications services;
- d) Stop providing telecommunications services for users that commit violations against the law on telecommunications;
- d) Exercise other rights prescribed by the Commercial Law and other regulations of relevant laws.

2. A telecommunications service agent has the following obligations:

- a) Comply with regulations on assurance of safety of telecommunications infrastructure and information security;
- b) Provide telecommunications services with quality and prices indicated in the telecommunications service agency contract.
- c) Be subject to inspection and control of execution of the telecommunications service agency contract by the telecommunications enterprise that has signed the contract;
- d) Provide telecommunications services within time limits according to regulations of law;
- dd) Fulfill other obligations prescribed by the Commercial Law and other regulations of relevant laws.

Article 15. Rights and obligations of telecommunications service users and telecommunications subscribers

1. Telecommunications service users have the following rights:

- a) Select telecommunications enterprises or telecommunications service agents to sign telecommunications service contracts;
- b) Request telecommunications enterprises and telecommunications service agents to provide necessary information related to the use of telecommunications services;
- c) Use telecommunications services with quality and prices indicated in telecommunications service contracts.
- d) Refuse to use some or all telecommunications services under telecommunications service contracts;
- dd) Have their private information kept confidential under law;

e) Complain about service prices and quality; be refunded service charges or enjoy compensations for other direct damage caused by telecommunications enterprises or telecommunications service agents;

2. Telecommunications service users have the following obligations:

a) Pay telecommunications service charges in full and on time;

b) Pay compensations for direct damage caused by them to telecommunications enterprises or telecommunications service agents;

c) Be responsible to the law for information sent or stored on telecommunications networks;

d) Be prohibited from using telecommunications infrastructure of telecommunications enterprises in order to provide telecommunications services.

3. Telecommunications subscribers have the following rights:

a) Have rights specified in Clause 1 of this Article;

b) Design and install or hire other organizations or individuals to design and install terminal devices and LAN from their locations for service use to the endpoint node of the public telecommunications network;

4. Telecommunications subscribers have the following obligations:

a) Have obligations specified in Clause 2 of this Article;

b) Comply with regulations on management of telecommunications resources and technical standards and regulations on telecommunications;

c) Provide their vital information in an adequate and accurate manner to telecommunications enterprises upon entry into telecommunications service contracts;

d) Be prohibited from using information on their personal documents to conclude telecommunications service contracts with other persons, except as permitted by law on telecommunications;

dd) Be responsible to the law for use of telecommunications subscriber numbers indicated in contracts concluded by them with telecommunications enterprises;

e) Protect their passwords, keywords and terminal devices.

Article 16. Telecommunications wholesaling

1. Telecommunications wholesaling means a telecommunications enterprise to lease its telecommunications network out to or sell its telecommunications traffic or service to another telecommunications enterprise for provision of telecommunications services.

2. Telecommunications wholesaling shall comply with the following regulations:

a) Provide services and their prices and relevant conditions in a fair, reasonable and non-discriminatory manner;

b) Give information on prices, technical standards and regulations on telecommunications, quality of telecommunications networks and services in a transparent manner.

3. The Minister of Information and Communications shall elaborate telecommunications wholesaling.

Article 17. Market-leading telecommunications enterprises and groups of market-leading telecommunications enterprises

1. The Government shall provide for criteria for determination of telecommunications service markets under management of the State, market-leading telecommunications enterprises and groups of market-leading telecommunications enterprises (hereinafter referred to as “market leaders”) in such markets.

2. Pursuant to Clause 1 of this Article, the Minister of Information and Communications shall issue a list of telecommunications service markets under management of the State and list of market leaders in such markets.

3. Apart from obligations specified in Clause 2 and Clause 4 Article 13 of this Law, market leaders shall fulfill the following obligations to telecommunications service markets where they hold leading positions:

a) Carry out telecommunications wholesaling upon request of other telecommunications enterprises according to regulations in Article 16 of this Law;

b) Implement record-keeping of costs and determine costs of telecommunications services provided by the enterprises;

c) Be prohibited from providing telecommunications services at prices below their costs, except for discounts and allowances according to regulations of law;

d) Reach agreements when carrying out telecommunications wholesaling according to regulations issued by the Minister of Information and Communications.

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

Article 18. Terminal devices and LAN

1. The installation and connection of terminal devices and LAN of telecommunications subscribers to the public telecommunications network shall comply with regulations of this Law on management of telecommunications resources and technical standards and regulations
2. The connection between terminal devices and LAN of telecommunications subscribers and the public telecommunications network shall be established by telecommunications enterprises under telecommunications service contracts.

Article 19. Establishment of telecommunications networks

1. Telecommunications networks shall be built and developed under telecommunications strategies, plannings, technical regulations and standards approved or promulgated by competent state agencies.
2. Organizations establishing telecommunications networks shall obtain licenses for provision of telecommunications services with network infrastructure specified in point a Clause 2 Article 33 of this Law or licenses for establishment of telecommunications networks specified in Point b and Point d Clause 3 Article 33 of this Law.
3. The Prime Minister shall specify the establishment and operation of private telecommunications networks in service of the Communist Party's and the State's agencies.
4. The Minister of National Defense and the Minister of Public Security shall prescribe the establishment and operation of private telecommunications networks in service of national defense and security and cipher.
5. Except for the cases specified in Clauses 3 and 4 of this Article, organizations establishing private telecommunications networks shall obtain licenses for establishment of such networks in the following cases:
 - a) Private telecommunications networks with wired transmission lines built by organizations;
 - b) Private telecommunications networks of which members are Vietnamese or foreign organizations and individuals operating in Vietnam for the same purpose, with the identical operation characteristics, and interrelated through their organization and operation charters or otherwise;
 - c) Wireless telecommunications networks for private use by organizations that enjoy diplomatic privileges and immunities applicable to foreign diplomatic missions, consular offices and Vietnam-based representative offices of international organizations;
 - d) Other private telecommunications networks.

6. The Government shall specify establishment of telecommunications networks specified in Clause 2 and Clause 5 of this Article.

Article 20. Provision of telecommunications services

1. Telecommunications service providers shall obtain licenses for provision of telecommunications services, or apply for or notify provision of telecommunications services, except the cases specified in Article 42 of this Law.

2. The provision of telecommunications application services shall comply with regulations of this Law on connection and management of telecommunications resources, technical standards and regulations on telecommunications and other relevant laws.

3. Telecommunications services shall be provided for users on the basis of telecommunications service contracts signed by telecommunications enterprises, telecommunications services agents and users.

4. Telecommunications service providers shall register standard form contracts or general trading conditions according to regulations of the law on protection of consumers' rights.

5. Vietnamese telecommunications enterprises shall provide offshore telecommunications services under Vietnamese laws, international treaties to which the Socialist Republic of Vietnam is a signatory and laws of countries for which services are provided.

6. The Government shall elaborate classification and provision of telecommunications services.

Article 21. Provision of telecommunications services across the border for telecommunications service users in the Vietnamese territory

1. The provision of telecommunications services across the border for telecommunications service users in the Vietnamese territory shall comply with Vietnamese laws and international treaties to which the Socialist Republic of Vietnam is a signatory.

2. Regarding the provision of telecommunications services under commitments of international treaties to which the Socialist Republic of Vietnam is a signatory, foreign organizations providing telecommunications services across the border shall fulfill obligations indicated in such commitments, meet requirements for national defense and security and public policies and comply with regulations in Clause 6 Article 5, Article 6, point b and point d Clause 2 Article 13 of this Law and other regulations of the law on cybersecurity and information security.

3. Telecommunications enterprises reaching commercial agreements with foreign organizations providing telecommunications services across the border for users in the Vietnamese territory shall prepare technical plans to ensure information security and urgently stop providing telecommunications services at the request of competent state agencies.

4. The Government shall elaborate Clause 2 and Clause 3 of this Article.

Article 22. Refusal to provide telecommunications services

1. Telecommunications enterprises and telecommunications services agents must not refuse to enter into contracts with telecommunications service users, except the following cases:

- a) Telecommunications service users breach telecommunications service contracts signed with telecommunications enterprises;
- b) The provision of telecommunications services is not economically and technically feasible;
- c) Telecommunications service users evade paying service charges and telecommunications enterprises have agreed in writing with other enterprises about refusal to provide telecommunications services for such users in case they pay charges after using services;
- d) There are written requests of competent state agencies under regulations of law.

2. Telecommunications enterprises must not unilaterally terminate contracts with telecommunications service users, except the following cases:

- a) Telecommunications service users breach telecommunications service contracts signed;
- b) Telecommunication subscribers commit violations against the law on telecommunications. The Government shall elaborate this Point.
- c) There are written requests of competent state agencies under regulations of law.

Article 23. Discontinuation in provision of telecommunications services

1. Telecommunications enterprises may only discontinue providing some or all telecommunications services when meeting all the following conditions:

- a) They have plans to protect legitimate rights and interests of users under telecommunications service contracts signed and those of relevant parties;
- b) They notified the Ministry of Information and Communications of discontinuation in provision of telecommunications services.

2. Telecommunications enterprises owning essential devices, market leaders (for telecommunications service markets managed by the State), and public-utility telecommunications service providers may only discontinue providing some or all telecommunications services directly related to telecommunications, market-leading telecommunications services and public-utility telecommunications services if they meeting the following conditions and obtain written consents from the Ministry of Information and Communications:

a) They have plans to protect legitimate rights and interests of users under telecommunications service contracts signed and those of relevant parties;

b) If they discontinue providing telecommunications services without termination of their operations, they shall provide telecommunications service users with alternative services, transfer users to similar services provided by other telecommunications enterprises or pay compensations to service users;

c) If they discontinue providing telecommunications services due to termination of their operations, they shall adopt measures to maintain provision of telecommunications services for users which are included in reorganization plans or plans for bankruptcy and dissolution of enterprises.

3. If they discontinue providing telecommunications services at the request of competent state agencies due to commission of violations against law, they shall prepare plans to protect legitimate rights and interests of users under telecommunications service contracts signed and plans to implement remedial measures, and send written reports to the Ministry of Information and Communications.

4. The Government shall elaborate conditions and procedures for discontinuation in provision of some or all telecommunications services.

Article 24. Technical communication

1. Telecommunications enterprises may free of charge use domestic and international communication via telecommunications networks operated by them for their management, administration and technical and professional handling.

2. Telecommunications enterprises shall specify subjects eligible for, scope and level of use and promulgate regulations on management of internal technical communication.

Article 25. Emergency telecommunications services

1. Emergency telecommunications service means a service which allows a caller to contact the police, ambulance or fire service.

2. Determination of emergency phone numbers in telecommunications numbers and provision of emergency telecommunications services shall comply with regulations issued by the Minister of Information and Communications.

3. Telecommunications enterprises shall:

a) Notify telecommunications service users of emergency phone numbers and publish them in public telephone directories;

b) Ensure that telecommunications service users may access emergency phone numbers;

c) Provide free-of-charge emergency telecommunications services for telephone service users.

Article 26. Service of assistance in search for fixed telephone subscriber numbers

1. Public telephone directory means a collection of information on names, addresses, subscriber numbers and other relevant information on fixed telephone subscribers retained in the form of hard copy and soft copy distributed or managed by a telecommunications enterprise.

2. The telecommunications enterprise may only add information about subscribers to the public telephone directory after obtaining consent from telecommunications service users.

3. The service of assistance in search for fixed telephone subscriber numbers means a service which assists telecommunication service users in searching fixed telephone subscriber numbers with public telephone directories.

4. Telecommunications enterprises shall provide electronic copies of public telephone directories specified in Clause 1 of this Article free of charge for users of fixed telephone services.

Article 27. Service of report on breakdown of telecommunications services

1. Service of report on breakdown of telecommunications services means a service which allows a user to notify abnormal operation of telecommunications services managed by a telecommunications enterprise and request remedy.

2. Telecommunications enterprises shall assure the accessibility of the service of report on breakdown of telecommunications services for and exempt telecommunications service users from the charge for this service.

Section 3. PROVISION OF BASIC TELECOMMUNICATIONS SERVICES ON THE INTERNET, DATA CENTER SERVICES AND CLOUD COMPUTING SERVICES

Article 28. Provision of basic telecommunications services on the internet

1. Enterprises providing basic telecommunications services on the internet have the following rights:

a) Invest in provision of basic telecommunications services on the internet without limits to share/stock holdings or contribution percentages of

b) Have the rights specified in points a, b, dd, e and g Clause 1 Article 13, Clause 3 Article 40, Clause 2 Article 62 of this Law.

2. Enterprises providing basic telecommunications services on the internet have the following obligations:

- a) Register and notify provision of telecommunications services according to regulations in Article 41 of this Law;
 - b) Comply with regulations in Clauses 1, 2, 3, 4 and 6 Article 5, Article 6, Article 9, Points b, c, d, g, l and n Clause 2 Article 13, Clauses 1, 3 and 4 Article 20, Article 22, Clause 1 and Clause 3, Article 23, Clause 2, Article 40 of this Law;
 - c) Comply with regulations in Article 58, Clause 3, Article 59, Article 60, Clause 1 and Clause 3, Article 62 of this Law in case they provide services for users and collect charges for such services;
 - d) Store and manage information about users of telecommunications services provided when they enter into telecommunications service contracts according to the Government's regulations;
 - dd) In case where it is required to access functions on terminal devices of users to provide services, notify these users of such access and obtain their consent before access to functions;
 - e) Announce quality of their services in case where they own network infrastructure or reach agreement with telecommunications enterprises owning network infrastructure; announce quality of their services according to quality of telecommunications networks and services managed and provided by other telecommunications enterprises in case where they do not own network infrastructure or reach agreement with telecommunications enterprises owning network infrastructure.
3. The Government shall elaborate rights and obligations of foreign enterprises providing basic telecommunications services on the internet across the border for service users in the Vietnamese territory on principles of respect for the national independence, sovereignty, mutual respect, assurance about information security and safety and general commitments indicated in international treaties to which the Socialist Republic of Vietnam is a signatory.

Article 29. Provision and use of data center services and cloud computing services

1. Enterprises providing data center services and cloud computing services have the following rights:
- a) Invest in provision of data center services and cloud computing services without limits to share/stock holdings or contribution percentages of foreign investors under contracts for cooperation in provision of services;
 - b) Have the rights specified in points a, b, dd, e and g Clause 1 Article 13, Clause 3 Article 40, Clause 2 Article 62, Clause 2 Article 64 of this Law;
 - c) Be not liable for information about service users during processing, storage and extraction of such information, unless otherwise prescribed by laws.

2. Enterprises providing data center services and cloud computing services have the following obligations:

- a) Register and notify provision of telecommunications services according to regulations in Article 41 of this Law;
- b) Comply with laws on cybersecurity and information security, and protection of personal data and other regulations of relevant laws;
- c) Conform to regulations in Clauses 1, 2, 3, 4 and 6 Article 5, Article 6, Clause 3 Article 8, Article 9, Points b, c, d and n Clause 2 Article 13, Clauses 1, 3 and 4 Article 20, Article 22, Clause 1 and Clause 3, Article 23, Clause 2, Article 40, Clause 3, Article 55, Article 58, Clause 3, Article 59, Article 60, Clause 1 and Clause 3, Article 62 of this Law;
- d) Ensure that telecommunications enterprises may connect with and provide data center services for users;
- dd) Be prohibited from accessing, extracting and using data on service users processed, stored and extracted via services of enterprises if they do not obtain consent from these users;
- e) Promptly implement necessary measures to prevent access to information at the request of competent state agencies under regulations of law;
- g) Be prohibited from monitoring and supervising information about service users, unless otherwise required by competent state agencies regulated by law;
- h) Store and manage information about users of services provided when they enter into telecommunications service contracts according to the Government's regulations;
- i) Announce quality of their services.

3. Before putting data centers into use in order to provide data center services and cloud computing services for the public, enterprises shall announce the conformity of such data centers with technical regulations and standards according to regulations issued by the Minister of Information and Communications.

4. Enterprises shall use data center services and cloud computing services in operations of industries and sectors according to regulations of this Law and other regulations of relevant laws.

5. The Government shall elaborate:

- a) Rights and obligations of foreign enterprises providing data center services and cloud computing services across the border for service users in the Vietnamese territory on principles of respect for the national independence, sovereignty, mutual respect, assurance about information security and safety and general commitments indicated in international treaties to which the Socialist Republic of Vietnam is a signatory;

b) Provision and use of data center services and cloud computing services in operations of competent state agencies.

Chapter III

PUBLIC-UTILITY TELECOMMUNICATIONS

Article 30. Public-utility telecommunications activities

1. Public-utility telecommunications activity means an act of assisting in provision and use of public-utility telecommunications services and terminal devices, contributing socio-economic development.

2. Public-utility telecommunications services include:

a) Universal telecommunications service which means a telecommunications service provided for all people according to the service list, locations, conditions, quality and prices prescribed by the State;

b) Mandatory telecommunications service which means a telecommunications service provided at the request of the State in order to assure information and communications in cases of emergency under law.

3. Public-utility telecommunications activities shall adhere to the following principles:

a) Universalizing telecommunications services in border areas, mountainous areas, highland regions, coastal sand dunes, coastal areas and islands, ethnic minority areas, extremely disadvantaged areas and areas where business is unpromising according to market mechanism which are given priority;

b) Ensuring that all people have the right to access services in a fair and reasonable manner; prioritizing provision of assistance in use of public-utility telecommunications services and terminal devices for poor households, near-poor households, families that are beneficiaries of social policies and beneficiaries of other special policies under the Government's decision.

4. Funding for the performance of public-utility telecommunications activities is covered by the public-utility telecommunication service fund.

Article 31. Vietnam public-utility telecommunications service fund

1. The Vietnam public-utility telecommunications service fund is a state off-budget financial fund managed by the Ministry of Information and Communications for implementation of the State's policies on public-utility telecommunications activities.

2. The Vietnam public-utility telecommunications service fund shall operate according to the following principles:

- a) It operates in a non-profit and transparent manner, for the intended purposes, in accordance with this Law and other regulations of relevant laws;
- b) Its revenues, expenditures, accounting, settlement, financial and asset disclosure shall comply with regulations of law;
- c) Revenue plans shall be balanced with expenditure tasks and disbursement progress for public-utility telecommunications activities;
- d) The operations of the Vietnam public-utility telecommunications service fund shall be subject to inspection, supervision and audit by competent state agencies.

3. The Vietnam public-utility telecommunications service fund is used for the following purposes:

- a) Assisting in the provision of public-utility telecommunications services to compensate for the costs of telecommunications enterprises which develop, upgrade and maintain telecommunications infrastructure in border areas, mountainous areas, highland regions, coastal sand dunes, coastal areas and islands, ethnic minority areas, extremely disadvantaged areas and areas where business is unpromising according to market mechanism; ensuring the combined protection of border areas on land and sovereignty over seas and islands;
- b) Assisting in the use of public-utility telecommunications services;
- c) Assisting in terminal devices;
- d) Giving the funding for management of public-utility telecommunications activities assigned to the Vietnam public-utility telecommunications service fund;
- dd) Covering operating expenses of the Vietnam public-utility telecommunications service fund.

4. The Vietnam public-utility telecommunications service fund is raised from the following sources:

- a) Contributions in proportion to the revenue from telecommunications services of telecommunications enterprises;
- b) Legal financial resources other than state budget.

5. The Prime Minister shall decide to establish and provide for organization, operations, funding sources, and use of funding for operations of the Vietnam public-utility telecommunications service fund.

Article 32. Management of public-utility telecommunications activities

1. Public-utility telecommunications activities shall be performed as follows:

- a) Giving assistance to telecommunications enterprises to provide public-utility telecommunications services by commissioning, ordering or tendering for services;
- b) Assisting beneficiaries in using public-utility telecommunications services via telecommunications enterprises by commissioning or ordering services or directly assisting telecommunications service users;
- c) Giving assistance in terminal devices, whether in cash or in kind, to beneficiaries via telecommunications enterprises by commissioning or tendering for services or directly assisting such beneficiaries.

2. The Government shall elaborate Clause 1 of this Article and financial mechanism for performance of public-utility telecommunications activities, including maximum contribution levels, persons whose contributions to the Vietnam public-utility telecommunications service fund are exempted or reduced; management and use of the Vietnam public-utility telecommunications service fund for public-utility telecommunications activities; the period of assistance in provision and use of public-utility telecommunications services, ensuring the stability and continuity under public-utility telecommunications service programs.

3. The Prime Minister shall decide public-utility telecommunications service programs in accordance with the information and communications infrastructure planning and the socio-economic development in each period, including the list of public-utility telecommunications services, locations, regions, beneficiaries, methods of implementing public-utility telecommunications activities, contributions made by telecommunications enterprises to the Vietnam public-utility telecommunications service fund and solutions to implementation of such programs.

4. The Ministry of Information and Communications shall:

- a) Preside over and cooperate with the Ministry of Finance, the Ministry of Planning and Investment, relevant ministries and central government authorities and provincial People's Committees in formulating public-utility telecommunications service programs and submitting them to the Prime Minister for decision thereon;
- b) Preside over and cooperate with the Ministry of Finance, Ministry of Planning and Investment and relevant authorities in providing guidance on the implementation of public telecommunications service programs;
- c) Promulgate public-utility telecommunications service prices in accordance with Article 59 of this Law;
- d) Organize, manage, and inspect the performance of public-utility telecommunications activities.

5. Provincial People's Committees shall:

a) Cooperate with the Ministry of Information and Communications in proposing areas eligible for assistance in provision of public-utility telecommunications services, and a list of beneficiaries of use of public-utility telecommunications services and terminal devices in their provinces;

b) Organize the implementation of public-utility telecommunications service programs in accordance with the assigned tasks;

c) Cooperate in inspection of the performance of public-utility telecommunications activities in their provinces.

Chapter IV

TELECOMMUNICATIONS LICENSES

Article 33. Telecommunications licenses

1. Telecommunications licenses include licenses for provision of telecommunications services and licenses for telecommunications operations.

2. Licenses for provision of telecommunications services include:

a) License for provision of telecommunications services with network infrastructure which is valid for no more than 15 years and is issued to a service provider with network infrastructure;

b) License for provision of telecommunications services without network infrastructure, which is valid for no more than 10 years and is issued to a service provider without network infrastructure.

3. Licenses for telecommunications operations include:

a) License for installation of submarine telecommunications cable lines which is valid for no more than 25 years and is issued to an organization that installs undersea telecommunications cable lines ashore or across the sea area of Vietnam;

b) License for establishment of private telecommunications networks, which is valid for no more than 10 years, and is issued to an organization that establishes private telecommunications networks;

c) License for testing of telecommunications networks and services, which is valid for no more than 02 years and is issued to a telecommunications enterprise which tests telecommunications networks and services.

d) License for establishment of telecommunications networks, which is valid for no more than 10 years, and is issued to the national radio station or the national television station under the Government for provision of information and dissemination of the Communist Party's policies and guidelines, the State's policies and laws and non-profit activities.

4. The Minister of Information and Communications shall issue, renew, re-issue, amend, supplement and revoke telecommunications licenses and compel the termination of provision of telecommunications services.

5. The Government shall elaborate conditions and procedures for issuance, renewal, re-issuance, amendments, supplement and revocation of various types of telecommunications licenses, and forcible termination of provision of telecommunications services.

Article 34. Principles of issuance of telecommunications licenses

1. Conforming to the information and communication infrastructure planning.

2. Giving priority to projects which can be rapidly implemented and involve commitments to provide services for telecommunications service users for a long term; projects on provision of telecommunication services for border areas, mountainous areas, highland regions, coastal sand dunes, coastal areas and islands, ethnic minority areas, extremely disadvantaged areas.

3. Telecommunications licenses to be issued which cover the use of telecommunications resources will be only issued if the allocation of these telecommunications resources is feasible and in line with the approved radio frequency planning, planning for telecommunications numbers, and internet resource planning, and ensures the effective use of the telecommunications resources.

Article 35. Forms of issuance of telecommunications licenses

1. Separate licensing is a form of telecommunications licensing by imposition of separate conditions and obligations on each enterprise. To be specific:

a) Licenses for provision of telecommunications services with network infrastructure using radio frequencies issued by the auction of rights to use radio frequencies, through the examination for enjoyment of the rights to use radio frequencies or re-issuance of licenses for use of radio frequencies;

b) Licenses for provision of telecommunications services with network infrastructure issued to areas with special requirements in accordance with the Government's regulations.

2. Group-based licensing is a form of telecommunications licensing provided that the general conditions and obligations specified for organizations and enterprises are satisfied. To be specific:

- a) Licenses for provision of telecommunications services with network infrastructure, except for the cases specified in Clause 1 of this Article;
- b) Licenses for provision of telecommunications services without network infrastructure, unless the provision of services shall be registered and notified in accordance with Clauses 1 and 2, Article 41 of this Law;
- c) Licenses for telecommunications operations.

Article 36. Conditions for issuance of licenses for provision of telecommunications services

1. A telecommunications license specified at Point a, Clause 1, Article 35 of this Law shall be issued to an enterprise when all the following conditions are met:

- a) Obtaining a business registration certificate or an investment registration certificate;
- b) Having minimum charter capital in accordance with the Government's regulations;
- c) Not undergoing dissolution or bankruptcy procedures under the competent state agency's decision;
- d) Making a technical plan and a business plan in conformity with the information and communications infrastructure planning and in accordance with regulations of this Law on telecommunications resources, connections, service prices, technical standards, regulations, quality of telecommunications services, safety of telecommunications infrastructure, protection of legitimate rights and interests of telecommunications service users and other regulations of relevant laws;
- dd) Committing to deploy telecommunications network for frequency band and radio frequency channel allocated in the form of auction or examination or for frequency band re-allocated;
- e) Winning the auction or passing the examination for enjoyment of the right to use radio frequency or being eligible to be re-issued with a license for use of radio frequency.

2. A telecommunications license specified at Point a, Clause 2, Article 35 of this Law shall be issued to an enterprise when all the following conditions are met:

- a) Meeting conditions specified in Points a,b,c and d Clause 1 of this Article;
- b) Satisfying conditions for deployment of telecommunications network regulated by the Government.

3. A telecommunications license specified at Point b, Clause 2, Article 35 of this Law shall be issued to an enterprise when the conditions specified in Points a,c and d Clause 1 of this Article are met:

Article 37. Telecommunications conditions upon participation in auction and examination for the right to use radio frequency

An enterprise is eligible to participate in an auction and examination for the right to use radio frequency when it meets the conditions specified at Points a, b, c, d and dd, Clause 1 of Article 36 of this Law and has fulfilled its financial obligations regarding telecommunications in accordance with the law.

Article 38. Conditions for issuance of licenses for telecommunications operations

1. A license for installation of submarine telecommunications cable lines shall be issued to a Vietnamese or foreign organization when the following conditions are met:

- a) Committing to comply with regulations of Vietnamese laws;
- b) Committing to fail to cause pollution of the marine environment;
- c) Committing to fail to perform activities other than survey, installation, maintenance, repair, and withdrawal of telecommunications cable lines;
- d) Setting up a project to install submarine telecommunications cable lines in accordance with the information and communication infrastructure planning, regulations on national defense, security, environmental protection and other regulations of relevant laws;
- dd) Committing to be subject to inspection, control and instruction by the competent state agency upon survey, installation, maintenance, repair or withdrawal of cable lines in Vietnamese seas and bear all expenses for such inspection, control or instruction.

2. A license for establishment of a private telecommunications network shall be issued to an organization when the following conditions are met:

- a) Committing to establish a private telecommunications network only for the purpose of provision of services for the network members (not for profitable purposes);
- b) Making a technical plan and a professional operation plan in conformity with the information and communications infrastructure planning and in accordance with regulations of this Law on telecommunications resources, connections, technical standards and regulations on telecommunications;
- c) Implementing measures to assure the safety of telecommunications infrastructure, cybersecurity and information security.

3. A license for testing of telecommunications networks and services shall be issued to a telecommunications enterprise when the following conditions are met. To be specific:

a) Services requested to be tested are telecommunications services not indicated in the issued telecommunications license or telecommunications services using telecommunications resources other than those already allocated;

b) Testing scope and scale are limited in order to assess the technology and market before official commencement of business operation;

c) The testing plan is compliance with regulations on telecommunications connection, service prices, technical regulations and standards.

4. A license for establishment of telecommunications networks specified at Point d, Clause 3, Article 33 of this Law shall be issued to an organization when all the following conditions are met:

a) Committing to establish a telecommunications network for not-for-profit purposes;

b) Making a technical plan in conformity with the information and communications infrastructure planning and in accordance with regulations of this Law on telecommunications resources, connections, service prices, technical standards, regulations, quality of telecommunications services, safety of telecommunications infrastructure, protection of legitimate rights and interests of telecommunications service users and other regulations of relevant laws;

Article 39. Renewal, re-issuance and amendment to telecommunications licenses

1. Before a telecommunications license expires, an organization or enterprise holding such telecommunications license may request renewal or re-issuance of the telecommunications license. During the validity duration of the license, the organization or enterprise issued with such telecommunications license shall carry out procedures for requesting amendments to the license when any detail of the license is changed.

2. The renewal of a telecommunications license shall be considered according to the following principles:

a) The organization or enterprise shall comply with regulations indicated in the telecommunications license to be renewed and regulations of the law on telecommunications;

b) The total duration of the first and renewed licenses must not exceed the maximum permissible duration of such license. If the duration of the first license is the same as the maximum permissible duration, it can only be renewed for up to 01 more year. The Government shall elaborate cases where an issued license can be renewed if its validity duration is the same as the maximum permissible duration.

3. A telecommunications license of an organization or enterprise is reissued when it satisfies the conditions specified in Articles 36 and 38 of this Law with consideration taken of compliance

with regulations indicated in the issued license and protection of benefits of telecommunications service users

4. A telecommunications license may be amended during its validity duration as follows:

- a) Upon request of the organization or enterprise issued with such license or upon request of the Ministry of Information and Communications;
- b) On the basis of the licensing conditions specified in Articles 36 and 38 of this Law applicable to the respective detail of the license to be amended.

Article 40. Revocation of telecommunications licenses, forcible termination of provision of telecommunications services

1. An organization or enterprise shall have its telecommunications license that has been issued revoked if it falls into any of the following cases:

- a) Committing prohibited acts specified in Clause 1 Article 9 of this Law;
- b) Committing a fraudulent act or providing untruthful information in order to obtain the telecommunications license;
- c) Operating in contravention of the contents of the issued telecommunications license and causing serious consequences for legitimate rights and interests of other organizations and individuals
- d) Failing to adequately and really fulfill the commitment to deploy telecommunications networks or provide telecommunications services to the market after 02 years from the date the license is issued, except for the force majeure event or the case specified at Point g of this Clause;
- dd) Discontinuing the provision of telecommunications services under the issued telecommunications license continuously in 01 year without notifying the Ministry of Information and Communications;
- e) Voluntarily returning the license for provision of telecommunications services;
- g) Having all radio frequency resources allocated under the license for provision of telecommunications services specified at Point a, Clause 1, Article 35 of this Law withdrawn within 12 months from the date the right to use radio frequency is revoked without amendment to or re-issuance of the license for provision of telecommunications services;
- h) Failing to fully pay the fee for the right to operate telecommunications after 12 months from the due date specified by the law on fees and charges in accordance with the notice of the authority that has issued the telecommunications license to the organization or enterprise.

2. A provider of telecommunications services of which the provision shall be registered or notified in accordance with Article 41 of this Law shall terminate provision of its telecommunications services if it falls into one of the following cases:

- a) Committing prohibited acts specified in Clause 1 Article 9 of this Law;
- b) Failing into the case specified in Point h Clause 1 of this Article.
- c) Failing to meet the conditions for provision of telecommunications services of which the provision shall be registered;
- d) Terminating the provision of telecommunications services continuously in 01 year without notifying the Ministry of Information and Communications.

3. The enterprise or organization which falls into one of the cases specified at Points b, c, d, dd, e, g and h, Clause 1 and Points b, c and d, Clause 2 of this Article may submit an application for a telecommunications license or registration and notification of provision of telecommunications services after 01 year from the date on which its license is revoked or it is forced to terminate the provision.

4. The organization or enterprise whose license is revoked in the case specified at Point a, Clause 1 of this Article or which is forced to terminate the provision of their telecommunications services in the case specified at Point a, Clause 2 of this Article shall not be issued with the telecommunications license or allowed to provide telecommunications services specified in Article 41 of this Law.

Article 41. Registration and notification of provision of telecommunications services

1. Registration of provision of telecommunications services means that an enterprise shall declare its information and the type of telecommunications services which are provided and meet the conditions for provision of telecommunications services in accordance with the Government's regulations.

2. Notification of provision of telecommunications services means that an enterprise shall declare its information, the type of telecommunications services which are provided and pieces of information related to quality of its services.

3. The Government shall elaborate the list of telecommunications services subject to registration and notification of provision; conditions for provision of telecommunications services subject to registration; and procedures for registration and notification of provision of telecommunications services.

Article 42. Exemption from telecommunications licenses, registration and notification of provision of telecommunications services

Organizations and individuals engaged in telecommunications activities are exempted from obtaining telecommunications licenses, registering or notifying provision of telecommunications services in the following cases:

1. They trade in telecommunications goods;
2. They act as telecommunications service agents to provide telecommunications services;
3. They hire transmission lines for provision of telecommunications application services;
4. Members of the private telecommunications network belong to the same organization and do not establish their own telecommunications transmission lines.

Article 43. Fee for the right to operate telecommunications

1. Fee for the right to operate telecommunications is a sum of money paid by an organization or enterprise engaged in telecommunications activities to the State to be entitled to establish a telecommunications network or provide telecommunications services. This fee shall be determined on the basis of scope and scale of the telecommunications network and telecommunications service revenue; quantity and value of the allocated telecommunications resources; and use of space, ground surface, underground space, riverbed and seabed for establishment of the telecommunications network or construction of telecommunications works.

2. An organization or enterprise shall pay the fee for the right to operate telecommunications by one of the following methods:

- a) Annual payment of the fee at a fixed amount;
- b) Lump-sum payment of the fee at a fixed amount for the whole validity duration of the telecommunications license.

Chapter V

CONNECTION AND SHARING OF TELECOMMUNICATIONS INFRASTRUCTURE

Article 44. Principles of telecommunications connection

1. Telecommunications enterprises may connect their telecommunications networks to telecommunications networks and services of other telecommunications enterprises and shall allow other telecommunications enterprises to be connected to their telecommunications networks and services.

2. The connection of telecommunications networks and services shall adhere to the following principles:

- a) Ensuring equality, rationality and guarantee for rights and interests of involved parties by negotiation;
- b) Efficiently using telecommunications resources and infrastructure;
- c) Satisfying technical requirements for the telecommunications connection and ensuing safety and uniformity of telecommunications networks;
- d) Protecting legitimate rights and interests of telecommunications service users and relevant organizations and individuals.

Article 45. Connection to public telecommunications networks

1. When connecting to a public telecommunications network, a service provider with network infrastructure shall:

- a) Provide connection at any point which is technically feasible on its public telecommunications network;
- b) Ensure prompt, rational, public and transparent connection;
- c) Ensure non-discrimination on the grounds of service prices, telecommunications technical regulations and standards and quality of telecommunications network and services.

2. When connecting to a public telecommunications network, a telecommunications enterprise owning essential devices shall:

- a) Facilitate negotiation and connection by other telecommunications enterprises;
- b) Carry out establishment and registration with a state regulatory authority in charge of telecommunications, and publish a standard-form connection agreement;
- c) Comply with regulations in Clause 1 of this Article.

3. Telecommunications connection service prices shall be set on the basis of price determinants, and rationally divided according to network components or service stages, regardless of service types.

4. The Minister of Information and Communications shall provide for criteria for identification and announcement about the list of telecommunications enterprises owning essential devices from time to time; and issue regulations on the connection of public telecommunications networks, negotiation and resolution of connection disputes among telecommunications enterprises.

Article 46. Connection to private telecommunications networks

1. Private telecommunications networks may be connected to public telecommunications networks on the basis of satisfaction of technical standards and regulations of these public telecommunications networks and compliance with regulations of this Law on connection to public telecommunications networks.
2. Private telecommunications networks shall be connected to public telecommunications networks according to written connection contracts signed by telecommunications enterprises and organizations having private telecommunications networks.
3. Private telecommunications networks may not be directly connected unless they obtain written approval from the Ministry of Information and Communications.

Article 47. Sharing of telecommunications infrastructure

1. Sharing of telecommunications infrastructure mean common use of a portion of telecommunications networks, works and devices. To be specific:
 - a) Telecommunications enterprises share telecommunications infrastructure with each other to facilitate the establishment of telecommunications networks and the effective, convenient, and rapid provision of telecommunications services or ensure the compliance with landscape and environmental protection requirements and relevant plannings; and serve public-utility telecommunications activities, search and rescue operations, salvage missions, and prevention and control of natural disasters, fires, epidemics and diseases and other calamities;
 - b) Telecommunications enterprises share telecommunications infrastructure with authorities and organizations directly responsible for national defense and security to ensure the fulfillment of requirements for national defense and security tasks, search and rescue operations, salvage missions, and prevention and control of natural disasters, fires, epidemics and diseases, and other disasters.
2. The telecommunications infrastructure shall be shared under contracts on the basis of protection of legitimate rights and interests of relevant parties.
3. If the parties cannot agree on the price of shared telecommunications infrastructure, negotiation shall be conducted in accordance with regulations of the law on prices.

If the parties cannot agree on other contents of sharing of telecommunications infrastructure, the competent state agency will make decision.

4. The Government shall elaborate sharing of telecommunications infrastructure.

Chapter VI

TELECOMMUNICATIONS RESOURCES

Article 48. Management of telecommunications resources

1. The management of telecommunications resources covers planning on and distribution, allocation, registration, fixing and use of the telecommunications resources, transfer or withdrawal of the right to use the telecommunications resources, and return of the telecommunications resources; and settlement of disputes over registration and use of Vietnamese domain names “.vn”.
2. The management of radio frequencies and satellite orbit in telecommunications activities shall comply with the Law on Radio Frequencies and this Law.
3. The management of the telecommunications resources shall adhere to the following principles:
 - a) Being conformable with the information and communication infrastructure planning;
 - b) Optimizing the establishment of telecommunications networks and the provision of telecommunications services;
 - c) Allocating and distributing the telecommunications resources in a fair, public and transparent manner;
 - d) Using the telecommunications resources in an efficient, economical and proper manner;
 - dd) Protecting legitimate rights and interests of organizations and individuals allocated the telecommunications resources and telecommunications service users.
4. The Ministry of Information and Communications shall provide for the management of telecommunications numbers and Internet resources; compensation when the State revokes telecommunications codes and numbers, and Internet resources; operating conditions, rights and obligations of organizations and enterprises providing domain name registration and maintenance services.

Article 49. Plannings for telecommunications numbers and Internet resources

1. Plannings for telecommunications numbers and Internet resources shall adhere to the following principles:
 - a) Being conformable with the information and communication infrastructure planning;
 - b) Facilitating the application of advanced technologies in order to suit the trend of technology and service convergence and trends towards development of telecommunications and next generation Internet;
 - c) Optimizing the establishment of telecommunications networks and the provision of telecommunications services;
 - d) Using telecommunications numbers and Internet resources in an efficient, economical and proper manner;

dd) Fully providing telecommunications numbers and Internet resources for public interests, national defense and security maintenance;

e) Complying with regulations on telecommunications numbers and Internet resources of international organizations of which the Socialist Republic of Vietnam is a member;

g) Protecting legitimate rights and interests of organizations and individuals using telecommunications codes and numbers and Internet resources.

2. The Minister of Information and Communications shall provide for contents and procedures for approval for plannings for telecommunications numbers and Internet resources, and approve such plannings.

Article 50. Distribution, allocation, use, registration and return of telecommunications codes and numbers and Internet resources

1. The distribution, allocation, registration, and use of telecommunications codes and numbers and Internet resources shall adhere to the following principles:

a) Being consistent with plannings for telecommunications numbers and Internet resources;

b) Allocating and distributing telecommunications codes and numbers and Internet resources in a fair, public and transparent manner;

c) Using telecommunications codes and numbers and Internet resources which have been allocated and distributed in an efficient, economical and proper manner;

d) Prioritizing the allocation and distribution of telecommunications codes, numbers, and Internet resources of Vietnam for provision of telecommunications services and telecommunications application services in border areas, mountainous areas, highland regions, coastal sand dunes, coastal areas, islands, ethnic minority areas, disadvantaged areas; and for public-utility telecommunications activities and other activities for public interests;

dd) Taking priority over the distribution and allocation of telecommunications codes and numbers and Internet resources of Vietnam to organizations capable of applying new and advanced technologies and satisfying requirements of the technology and service convergence.

2. Telecommunication codes and numbers shall be allocated by one of the following methods. To be specific:

a) The right to use telecommunications codes and numbers including terrestrial mobile telecommunications network codes used for human-to-human communication (hereinafter referred to as “H2H mobile network codes”), telecommunications subscriber numbers used for terrestrial mobile telecommunications services that provide human-to-human communication (hereinafter referred to as “H2H mobile subscriber numbers”), short message service numbers, and enquiry service numbers shall be obtained through an auction.

b) Telecommunications codes and numbers specified at Point dd, Clause 1, Article 49 of this Law and those not mentioned at Point a of this Clause shall be directly allocated to organizations and enterprises on a first-come, first-served basis.

3. Internet resources of Vietnam shall be allocated and distributed by one of the following methods. To be specific:

a) The right to use Vietnamese domain names “.vn” at level 2 with 1 or 2 characters, except for domain names protected and shared in accordance with regulations issued by the Minister of Information and Communications shall be obtained through an auction;

b) Vietnamese domain names “.vn”, except for domain names of which the right to use is obtained through the auction as specified at Point a of this Clause; IP addresses, network codes shall be directly distributed to organizations and individuals for the use of services on a first-come, first-served basis;

c) IP addresses, network codes shall be directly distributed to enterprises for provision of telecommunications services on a first-come, first-served basis.

4. The auction of the right to use telecommunications codes and numbers shall be carried out as follows:

a) Telecommunications codes and numbers specified at Point a, Clause 2 of this Article shall be listed online in the market, thereby allowing organizations and individuals to choose the codes and numbers they wish to bid for;

b) In case where, by the end of the legally specified period during which telecommunications codes and numbers are listed online in the market, no organization or individual chooses codes or numbers to bid for, these codes or numbers shall be allocated to requestors according to a sequential and direct process in accordance with Point b, Clause 2 of this Article;

c) The starting price for the auction of H2H mobile subscriber numbers shall be equal to the GDP per capita at the price of the year preceding the year of the auction as announced by the General Statistics Office of Vietnam, calculated for 01 day;

d) Starting prices for the auction of H2H mobile network codes, short message service numbers, and enquiry service numbers shall be equal to one-year usage fees for such codes and numbers. In case where the auction of H2H mobile network codes, short message service numbers, enquiry service numbers not mentioned at Point a of this Clause is required by organizations or enterprises, starting prices of such auction shall be equal to 5-year usage fees for such codes and numbers;

dd) The Ministry of Information and Communications shall approve the results of auctions of telecommunications codes and numbers. Telecommunications service providers shall be responsible for carrying out procedures for auction winners to use telecommunications services associated with the winning subscriber numbers in such auctions;

e) H2H mobile network codes, H2H mobile subscriber numbers, short message service numbers, enquiry service numbers after 02 unsuccessful auctions will be allocated directly to organizations and enterprises in accordance with Point b, Clause 2 of this Article. Organizations and enterprises shall be responsible for paying use right fees equal to one-year usage fees for such codes and numbers and paying usage fees for telecommunication codes and numbers in accordance with the law regulations on fees and charges.

5. The auction of the right to use a Vietnamese domain name “.vn” shall be carried out as follows:

a) The starting price of the Vietnamese domain name “.vn” shall be equal to the 1-year fee for maintenance of such domain name;

b) The Ministry of Information and Communications shall approve results of the auction of the right to use the Vietnamese domain name “.vn”. The organization or individual shall be responsible for carrying out procedures for registration of use the winning domain name in the auction;

c) Vietnamese domain names “.vn” after 02 unsuccessful auctions will be distributed directly in accordance with Point b, Clause 3 of this Article.

6. Forms, methods and procedures for auctions of telecommunications codes and numbers, and Vietnamese domain names “.vn” shall comply with regulations of the law on property auction.

7. Requests for registration and maintenance of Vietnamese domain names “.vn” from organizations and individuals shall be received and processed via organizations and enterprises involved in the provision of the domain name registration and maintenance services.

8. Telecommunications enterprises, when their telecommunications licenses expire and are re-issued or renewed, may continue utilize and use the telecommunications codes and numbers that have been allocated in accordance with the regulations of this Law on management and use of telecommunications numbers.

9. Organizations and individuals allocated telecommunications codes and numbers and Internet resources have the rights to and shall:

a) Use, lease, transfer or re-allocate telecommunications codes and numbers and Internet resources distributed or allocated for proper purposes, within the specified scope and to right beneficiaries under decisions on distribution and allocation of telecommunications numbers and codes and Internet resources and regulations on management and use of telecommunications numbers and Internet resources;

b) Receive, give, contribute capital, or inherit the right to use Vietnamese domain names “.vn” in accordance with the civil law and other regulations of relevant laws;

c) Report to the Ministry of Information and Communications, on a periodic basis or upon request, on actual use of telecommunications codes and numbers and Internet resources distributed or allocated;

d) Pay fees for the use of telecommunication codes and numbers, fees for the maintenance of Internet resources, charges for the allocation of telecommunications numbers, and fees for the allocation and distribution of Internet resources; and fees for granting the right to use telecommunications numbers or Internet resources allocated/distributed through auctions. Winners of the H2H mobile subscriber number auctions shall be exempt from fees for the use of telecommunication codes and numbers;

dd) Organizations and individuals that no longer need to use telecommunications numbers and Internet resources shall return them to authorities managing telecommunications numbers and units managing Internet resources.

10. The Government shall elaborate Clause 4 and Clause 5 of this Article.

Article 51. Transfer of rights to use telecommunications codes and numbers, and Internet resources of Vietnam

1. Telecommunications codes and numbers, and Internet resources of Vietnam which rights to use are to be transferred include:

a) Telecommunications codes and numbers allocated by the Ministry of Information and Communications to organizations and individuals through the auction in accordance with Point a, Clause 2, Article 50 of this Law;

b) Vietnamese domain names “.vn”, except for domain names protected and shared according to regulations issued by the Minister of Information and Communications, domain names subject to penalties for violations or involved in resolution of disputes or complaints, and domain names which are suspended.

2. The rights to use telecommunications codes and numbers, and Internet resources of Vietnam may be transferred when the following conditions are met:

a) Organizations and individuals that transfer the rights to use telecommunications codes and numbers and Internet resources of Vietnam shall obtain such lawful rights;

b) Organizations and individuals that receive the transfer of the rights to use telecommunications codes and numbers and Internet resources of Vietnam shall be licensed to operate or qualified for investment in, exploitation and use of these telecommunications codes and numbers and Internet resources

3. Parties involved in the transfer of rights to use telecommunications codes and numbers, and Internet resources of Vietnam shall:

- a) Pay fees, charges, and taxes upon transfer in accordance with regulations of the law on taxes, fees, and charges;
- b) Protect legitimate rights and interests of relevant organizations and individuals.

Article 52. Resolution of disputes over registration and use of Vietnamese domain names “.vn”

1. Disputes over the registration and use of Vietnamese domain names “.vn” shall be resolved through conciliation, arbitration, and court in accordance with the law.
2. Resolution of disputes over registration and use of a Vietnamese domain name “.vn” shall be based on the following factors. To be specific:
 - a) The domain name is identical or confusingly similar to a name, trademark, geographical indication, or trade name which the plaintiff has legal rights and interests;
 - b) Legitimate rights and interests related to the domain name of the disputing parties;
 - c) The defendant uses the domain name with bad intentions and abuses the prestige and reputation of the trademark, trade name, geographical indication which the plaintiff has legal rights and interests to gain illegal profits.
3. The plaintiff, when requiring the resolution of a dispute over the registration and use of the Vietnamese domain name “.vn”, shall provide evidence to prove the factors specified in Clause 2 of this Article.
4. The Government shall elaborate Clause 2 of this Article.

Article 53. Revocation of telecommunications codes and numbers, and Internet resources

1. Revocation of telecommunications codes and numbers and Internet resources means that a competent state agency decides to revoke the rights to use telecommunications codes and numbers and Internet resources already distributed or allocated to organizations and individuals.
2. Telecommunications codes and numbers, and Internet resources shall be revoked in the following cases:
 - a) Telecommunications codes and numbers and Internet resources of Vietnam are revoked for the use for public interests, national defense and security maintenance;
 - b) Use purposes and entities eligible for use of telecommunications codes numbers and Internet resources of Vietnam are no longer in line with the telecommunications number planning and Internet resource planning;

c) The fees for allocation of telecommunications number storages, usage fees for telecommunication codes and numbers are not paid in a full manner and are not paid in a full manner within 06 months from the due date specified in the law on fees and charges in accordance with the notice of the state agency in charge of telecommunications;

d) The fees for maintenance of Internet resources of Vietnam are not paid in a full manner within 30 days from the due date in accordance with the notice of the unit managing Internet resources;

dd) Telecommunications codes and numbers and Internet resources of Vietnam are revoked upon request of the competent state agency when they are used to commit prohibited acts specified in Article 9 of this Law or other violations.

3. Organizations and individuals that have telecommunications codes and numbers and Internet resources revoked under Clause 2 of this Article shall terminate the use of telecommunications codes and numbers and Internet resources under revocation decisions.

4. The State shall pay compensation to each organization/individual that has telecommunications codes and numbers and Internet resources revoked under Points a and b, Clause 2 of this Article in accordance with the following regulations. To be specific:

a) Regarding telecommunications codes and numbers, and Internet resources that are directly allocated or distributed, the compensation shall be determined on the basis of the usage fees for such telecommunications codes and numbers, and fees for maintenance of Internet resources as specified in the law on fees and charges;

b) Regarding telecommunications codes and numbers, and Internet resources allocated and distributed through auctions of usage rights, the compensation shall be equal to the winning bid.

Chapter VII

MANAGEMENT OF TECHNICAL REGULATIONS, STANDARDS, QUALITY AND PRICES OF TELECOMMUNICATIONS SERVICES

Article 54. Technical standards and regulations on telecommunications

1. The system of telecommunications standards includes international standards, regional standards, foreign standards, national standards and institutional standards applicable to telecommunications devices, connection, works, network and service quality which are announced and applied in Vietnam under regulations of the law on technical standards, regulations, quality of products and goods.

2. The system of technical regulations on telecommunications includes national technical regulations on telecommunications devices, connection, works, network and service quality which are made and promulgated under regulations of the law on technical standards, regulations, quality of products and goods.

Article 55. Management of technical standards and regulations on telecommunications, quality of telecommunications networks and services

1. Before marketing or connecting terminal devices included in the list of potentially unsafe telecommunications devices to public telecommunications networks, organizations and individuals shall certify and declare conformity, and use conformity marks.
2. Before putting network devices included in the list of telecommunications devices subject to compulsory inspection into operation, telecommunications enterprises shall conduct the inspection.
3. Telecommunications enterprises shall announce, inspect and control quality of telecommunications networks and services included in the list of telecommunications networks and services subject to quality management.
4. Mutual recognition agreements with regard to conformity assessments in technical standards and regulations pertaining to telecommunications between Vietnam and other countries, territories shall conform to international treaties to which Vietnam is a signatory; between conformity assessing bodies of Vietnam and conformity assessing bodies of other countries, territories shall conform to respective agreements between the parties.
5. National standards of telecommunications shall be formulated, appraised and published in accordance with regulations of the law on technical standards and regulations.
6. The Ministry of Information and Communications shall:
 - a) Promulgate national technical regulations on telecommunications and regulations on assessment of conformity with technical regulations on telecommunications devices, networks and services;
 - b) Set out regulations on management of quality of telecommunications networks and services;
 - c) Issue the list of potentially unsafe telecommunications devices, the list of telecommunications devices subject to compulsory inspection and the list of telecommunications networks and services subject to quality management;
 - d) Designate and manage activities of conformity assessment bodies, thereby meeting requirements for state management of telecommunications products and goods, telecommunications networks and telecommunications services
7. The state regulatory authority in charge of telecommunications and telecommunications authorities under provincial People's Committees shall inspect and check the quality of telecommunications devices, networks, services, telecommunications products and goods within their provinces in accordance with regulations of supervisory ministries.

Article 56. Prices of telecommunications services

1. Telecommunications service prices include telecommunications service prices applicable to telecommunications service users and service prices among telecommunications enterprises.
2. Telecommunications service prices applicable to telecommunications service users are those to be paid by telecommunications service users to telecommunications enterprises when they use telecommunications services provided by such enterprises.
3. Service prices among telecommunications enterprises include:
 - a) Wholesale service price, which means the price paid by one telecommunications enterprise that purchases telecommunications traffic or services or leases telecommunications network from another enterprise in order to provide telecommunications services.
 - b) Telecommunications connection service price, which means the price paid by one telecommunications enterprise that uses another enterprise's network to connect telecommunications services.

Article 57. Principles of management and regulation of telecommunications service prices

1. Ensuring that the costs of production and commercial provision of telecommunications services are offset, and the solvency of telecommunications service users for services included in the List of goods and services which must be priced by the State.
2. Harmonizing the interests of the State, legitimate rights and interests of telecommunications enterprises and telecommunications service users.
3. Reviewing price components in order to adjust telecommunications service prices if necessary. The adjustment of telecommunications service prices must be consistent with the grounds specified in Article 58 of this Law.
4. Respecting rights of telecommunications enterprises to self-pricing of and competition in telecommunications service prices.
5. Complying with international treaties to which the Socialist Republic of Vietnam is a signatory.
6. Assuring a fair competitive environment for telecommunications activities.
7. Ensuring equality and non-discrimination in management and issuance of regulations on telecommunications service prices.
8. Not taking profits from the provision of one telecommunications service to support the provision of other telecommunications service(s) of the same enterprise.

Article 58. Grounds for pricing telecommunications services

Telecommunications service prices shall be determined on the following grounds:

1. Price components at the time of pricing;
2. Supply – demand relationship of telecommunications services.

Article 59. Management of telecommunications service prices

1. The Ministry of Information and Communications shall:

- a) Direct and provide guidance on compliance with regulations on reporting, accounting and audit in service of management of telecommunications service prices;
- b) Organize declaration and public announcement of telecommunications service prices in accordance with regulations of the law on prices;
- c) Proactively cooperate with the Ministry of Industry and Trade to manage competition in the telecommunications sector in accordance with regulations of the law on competition; cooperate in managing promotion activities in provision of telecommunications services;
- d) Control or terminate the application of telecommunications service prices when telecommunications enterprises impose, increase or decrease the telecommunications service prices in an unreasonable manner, thereby causing telecommunications market instability and harming the legitimate rights and interests of telecommunications service users, other telecommunications enterprises and the State.

2. The Minister of Information and Communications shall:

- a) Set out regulations on management of telecommunications service prices;
- b) Preside over and cooperate with the Ministry of Finance in promulgating regulations on telecommunications service pricing methods;
- c) Decide prices of telecommunications services included in the list of goods and services which must be priced by the State;

3. A telecommunication enterprise has the following rights and obligations:

- a) Decide on prices of its telecommunications services, except for telecommunications services included in the list of goods and services which must be priced by the State;
- b) Submit a plan on prices of telecommunications services priced by the State to the Ministry of Information and Communications;

c) Adopt telecommunications service pricing methods and comply with regulations on management of telecommunications service prices in accordance with regulations of the Minister of Information and Communications;

dd) Perform cost accounting and determine the costs of production of telecommunications services according to regulations;

dd) Make reports on and conduct accounting and audit in service of management of telecommunications service prices;

e) Declare and publicly announce telecommunications service prices in accordance with regulations of the law on prices;

g) Be prohibited to impose, increase or decrease telecommunications service prices in an unreasonable manner, thereby causing market instability and harming legitimate rights and interests of telecommunications service users, other telecommunications enterprises and the State.

Article 60. Issuance of invoices and payment of telecommunications service charges

1. Telecommunications enterprises shall issue invoices for telecommunications service charges in an accurate, full and prompt manner to telecommunications service users that pay charges after using services. Telecommunications service users shall fully and promptly pay charges for telecommunications services provided by telecommunications enterprises according to these invoices.

2. Telecommunications enterprises shall accurately deduct the charges payable by telecommunications service users at the prices specified for prepaid telecommunications services.

3. An invoice for telecommunications service charges shall be issued in compliance with regulations of law and fully, accurately and clearly show the following details:

a) Unit price and charge payable for each type of telecommunications service;

b) Total amount payable;

c) VAT (if any).

4. Telecommunications enterprises shall be responsible for providing technical measures to assist users and competent state authorities in querying real-time information about the deduction of charges for using telecommunications services, with priority given to online measures. In case of issuance of monthly invoices for telecommunications services under contracts, each telecommunications enterprise shall be responsible for directly providing or hiring another organization to provide the details about telecommunications service charges free of charge and once at the request of each user.

Article 61. Management of prepaid mobile telecommunications service cards and mobile SIM accounts

1. Prepaid mobile telecommunications service card means a card issued by a telecommunications enterprise to a user to deposit money into such telecommunications enterprise's mobile SIM account.
2. Mobile SIM account means an account that reflects the value charged by a telecommunications service user using a prepaid mobile telecommunications service card or other lawful payment methods (excluding promotions). It is recorded in the billing system of the telecommunications enterprise and is associated with a mobile telecommunications subscriber.
3. Mobile SIM accounts are used to pay for mobile telecommunications services and information services on mobile telecommunications networks in accordance with the law.
4. The Government shall elaborate the management of prepaid mobile telecommunications service cards and mobile SIM accounts.

Article 62. Refund of telecommunications services charges and compensation for damage

1. Telecommunications enterprises providing telecommunications services in a manner that fails to adhere to regulations on time limit and quality under contracts with telecommunications service users shall refund part or whole of collected telecommunications service charges.
2. Telecommunications enterprises are not required to pay compensations for indirect damage or profits not earned as a result of the provision of telecommunications services beyond the said time limit or with low quality.
3. Regarding provision and use of telecommunications services, parties signing telecommunications service provision and use contracts shall pay compensations for direct material damage caused by their faults to other parties, except for force majeure.

Chapter VIII

TELECOMMUNICATIONS WORKS

Article 63. Passive telecommunications technical infrastructure planning

1. Local passive telecommunications technical infrastructure planning means a technical and specialized planning that specifies the provincial planning and conforms to the information and communications infrastructure planning.
2. The planning for construction of urban areas, residential areas, functional areas, and industrial clusters specified in the Law on Construction and relevant law shall be consistent with the passive telecommunications technical infrastructure planning, thereby facilitating the

establishment of telecommunications infrastructure, provision and use of telecommunications services.

3. The Government shall elaborate contents to be planned, preparation, appraisal, approval, publication, information disclosure, implementation, evaluation and adjustment of local passive telecommunications technical infrastructure planning.

Article 64. Land used for telecommunications works

1. According to national information and communications infrastructure planning, passive telecommunications technical infrastructure planning as well as land use plans and plannings approved by competent state authorities, competent People's Committees grants shall allocate or lease land to build telecommunications works in their respective areas.

2. People's Committees at all levels shall, within the ambit of their tasks and powers, preside over and cooperate with investors in telecommunications works in, ground clearance, payment of compensations for damage to land and asset, and protection of land areas for telecommunications work projects as specified in Clause 1 of this Article and other relevant laws.

Article 65. Design, construction, and installation of telecommunications works

1. The design, construction, and installation of telecommunications works shall be consistent with the passive telecommunications technical infrastructure planning and comply with technical regulations on construction and telecommunications and other relevant laws.

2. The system of infrastructural works including traffic works, utility poles, power lines, water supply and drainage pipes, public lighting and other technical infrastructure works shall be designed and constructed in conformity with relevant technical regulations to meet requirements for installation and protection of transmission lines and telecommunications works.

Passive telecommunications technical infrastructure is an essential component when the system of infrastructural works is designed in accordance with relevant technical regulations.

Owners of infrastructural work construction projects shall be responsible for sending information about their technical infrastructure construction projects to the state regulatory authority in charge of telecommunications or telecommunications authorities under provincial People's Committees to notify telecommunications enterprises of registration of common use of their technical infrastructure.

3. Telecommunications works constructed and installed in workplaces, public service facilities, land and assets of the armed forces, and infrastructure assets used for national and public interests, as specified in the Law on Management and Use of Public Assets, shall adhere to the following principles:

a) Complying with Clause 1 of this Article;

b) Not affecting operations of authorities, organizations or units assigned to manage and use public assets or the utility of public assets where telecommunications facilities are installed;

c) Ensuring technical feasibility; protecting landscape beauty, environment, safety and security.

4. Telecommunications works shall be built and installed on a public asset under an agreement between the enterprise installing telecommunications works and the authority, organization, or unit assigned to manage and use such public asset provided that the principles specified in Clause 3 of this Article are applied. Proceeds from the agreements to install telecommunications works on public assets shall be managed and used in accordance with regulations of the law on management and use of public assets.

5. Enterprises installing telecommunications works shall be responsible for preserving and maintaining such telecommunications works.

6. Investors in construction of apartment buildings, public facilities, functional areas and industrial clusters specified in the law on housing and construction have the following obligations:

a) Make plans for designing and constructing passive telecommunications technical infrastructure in conformity with technical regulations, ensuring consistency and synchronism in investment in construction and convenience for establishment of telecommunications infrastructure and provision and use of telecommunications services.

b) Design and install, or organize design and installation of, telecommunications cable networks in apartment buildings and public facilities when constructing such apartment buildings and public facilities;

c) Arrange sites for installation of antenna masts on building roofs and mobile transceiver systems in apartment buildings and public facilities if technically feasible;

d) Allocate sites for construction of passive telecommunications technical infrastructure and installation of telecommunications devices in functional areas and industrial clusters.

7. The design, construction, management, and use of passive telecommunications technical infrastructure, telecommunications cable networks, mobile transceiver systems in apartment buildings, public facilities, functional areas, and industrial clusters shall enable at least 02 telecommunications enterprises to provide services to users.

8. Organizations that manage and operate apartment buildings, public facilities, functional areas, and industrial clusters shall be responsible for facilitating the construction, installation, use, renovation, and repair of passive telecommunications technical infrastructure, mobile transceiver systems, telecommunications cable networks in their respective apartment buildings, public buildings, functional areas, and industrial clusters.

9. Before constructing passive telecommunications technical infrastructure, organizations and individuals shall notify telecommunications authorities under provincial People's Committees.

10. The Government shall elaborate this Article.

Article 66. Common use of system of infrastructural works

1. The common use of infrastructural works in terms of traffic, energy supply, public lighting, water supply, wastewater collection and treatment, telecommunications works and other infrastructural works shall ensure effectiveness and thrift, protect the landscape and environment, and conform to the urban planning and other relevant plannings decided or approved by competent authorities.

2. The common use of infrastructural work system shall comply with the Government's regulations.

Article 67. Management of telecommunications works

1. The Ministry of Information and Communications shall:

a) Provide guidance on the common use of passive telecommunications technical infrastructure by telecommunications enterprises.

b) Preside over and cooperate with the Ministry of Finance and the Ministry of Construction in providing detailed regulations on mechanisms and principles of price control, methods of determining rents of cable networks in buildings and passive telecommunications technical infrastructure among telecommunications enterprises, organizations and individuals that own telecommunications works.

2. Provincial People's Committees shall:

a) Approve, announce, provide guidance, monitor and inspect the implementation of passive telecommunications technical infrastructure planning;

b) Organize the common use of technical infrastructure among the sectors of telecommunications, electricity, transport, water supply and drainage and other sectors in their provinces.

3. Organizations and individuals shall comply with regulations on planning, designing, construction and common use of technical infrastructure in terms of traffic, construction, energy supply, public lighting, water supply and drainage and telecommunications technical infrastructure and infrastructural works.

Chapter IX

STATE MANAGEMENT OF TELECOMMUNICATIONS

Article 68. Contents of state management of telecommunications

1. Formulating, promulgating, and organizing the implementation of telecommunications development strategies, plannings, and policies, and legal documents on telecommunications; regulations on mechanisms for controlled testing of new technologies and models in telecommunications activities; national standards, technical regulations, technical requirements, economic and technical norms on telecommunications.
2. Managing and regulating the telecommunications market; managing the provision of telecommunications services and operations;
3. Disseminating information and educating about regulations of the law on telecommunications.
4. Giving training and refresher training, and developing human resources; conducting scientific and technological research and applying science and technology to telecommunications activities.
5. Managing telecommunications reports and statistics in the form of online or offline.
6. Making international cooperation in telecommunications.
7. Carrying out inspection and examination of the compliance with regulations of the law on telecommunications.
8. Settling disputes, complaints and denunciations and handling violations against regulations of the law on telecommunications.

Article 69. Responsibilities for state management of telecommunications

1. The Government shall perform the uniform state management of telecommunications.
2. The Ministry of Information and Communications shall act as a focal point in charge of assisting the Government to perform state management of telecommunications.
3. The Ministry of National Defense and the Ministry of Public Security, within the scope of their tasks and powers, shall manage private telecommunications networks for national defense and security. The Minister of National Defense shall manage the private telecommunications network for cipher work.
4. Ministries and ministerial authorities shall, within the ambit of their tasks and powers, cooperate with the Ministry of Information and Communications in performing state management of telecommunications.
5. People's Committees at all levels shall, within the ambit of their tasks and powers, perform state management of telecommunications in their provinces.

Article 70. International cooperation in telecommunications

1. International cooperation in telecommunications shall be made on the principles of respect for independence, sovereignty, territorial integrity, equality and mutual benefit.
2. The international cooperation shall comply with international treaties on telecommunications to which the Socialist Republic of Vietnam is a signatory.
3. Vietnam makes a commitment to act as an active and responsible member of international telecommunications organizations.
4. The priority shall be given to consideration of signing international treaties and agreements that are beneficial to promotion of the development of new and advanced telecommunications technologies in conformity with Vietnam's interests and capabilities.
5. International cooperation and support for state management, training for human resources, sharing of information, experience, research and development of next generation Internet technologies, standards, and applications, and next generation telecommunications network technologies shall be encouraged.
6. The Ministry of Information and Communications is a focal point in charge of consolidating international integration and cooperation activities in telecommunications. Ministries, ministerial authorities, and People's Committees at all levels shall make international cooperation in telecommunications within their management.

Chapter X

IMPLEMENTATION PROVISIONS

Article 71. Amendment, replacement, and annulment of a number of articles of relevant laws

1. The phrase “giấy phép thiết lập mạng viễn thông” (telecommunications network establishment license) shall be replaced by the phrase “giấy phép cung cấp dịch vụ viễn thông có hạ tầng mạng” (license for provision of telecommunications services with network infrastructure) at Point b, Clause 1, Article 18a, Point b, Clause 3, Article 20 and Point a, Clause 2, Article 24 of the Law on Radio Frequencies No. 42/2009/QH12 amended by the Law No. 09/2022/QH15.
2. The phrase “tài nguyên Internet” (Internet resources) shall be replaced by the phrase “tài nguyên Internet Việt Nam” (Vietnamese Internet resources) at Clause 7 Article 4 and Clause 5 Article 119 of the Law on Management and Use of Public Property No. 15/2017/QH14 amended by the Law No. 64/2020/QH14 and the Law No. 07/2022/QH15.
3. The List of fees and charges in Appendix 01 enclosed with the Law on Fees and Charges No. 97/2015/QH13 amended by the Law No. 09/2017/QH14, the Law No. 23/2018/QH14, the Law

No. 72/2020/QH14, the Law No. 16/2023/QH15 and the Law No. 20/2023/QH15 shall be amended as follows:

a) Point 2 section VI part A shall be amended as follows:

| | | |
|----------|---|--|
| 2 | Fees for maintenance and use of Internet resources | |
|----------|---|--|

b) Point 2.3 shall be added after Point 2.2, section VI part A as follows:

| | | |
|------------|--|----------------------------|
| 2.3 | Fees for maintenance and use of network codes | Ministry of Finance |
|------------|--|----------------------------|

c) Point 5 section III part B shall be amended as follows:

| | | |
|----------|---|--|
| 5 | Fees for distribution of telecommunications numbers, distribution and allocation of Internet resources | |
|----------|---|--|

d) Point 5.4 shall be added after Point 5.3, section III part B as follows:

| | | |
|------------|---|----------------------------|
| 5.4 | Fees for registration and use of network codes | Ministry of Finance |
|------------|---|----------------------------|

4. Article 76 of the Law No. 67/2006/QH11 on Information Technology amended by Law No. 21/2017/QH14 and Law No. 20/2023/QH15 shall be annulled.

Article 72. Entry into force

1. This Law comes into force from July 01, 2024, except for Clauses 3 and 4 of this Article.
2. The Law No. 41/2009/QH12 on Telecommunications amended by Law No. 21/2017/QH14 and Law No. 23/2018/QH14 will cease to be effective from the effective date of this Law, unless otherwise specified in Clause 4, Article 73 of this Law.
3. Regulations on provision of basic telecommunications services on the Internet, data center services and cloud computing services in Article 28 and Article 29 of this Law come into force from January 1, 2025.
4. Regulations on payment of fees for maintenance and use of network codes and charges for registration and use of network codes at Point d, Clause 9, Article 50 and Clause 3, Article 71 of this Law come into force from January 1, 2025.

Article 73. Transitional provisions

1. Licenses for telecommunications operations granted in accordance with the Law on Telecommunications No. 41/2009/QH12 amended by the Law No. 21/2017/QH14 and Law No. 23/2018/QH14, shall continue to be valid until the expiration date of such licenses.

2. Enterprises may continue to commercially provide telecommunications services within the remaining validity duration of the licenses for commercial provision of telecommunications services granted in accordance with the Law on Telecommunications No. 41/2009/QH12 amended by the Law No. 21/2017/QH14 and Law No. 23/2018/QH14 until such licenses expires, unless otherwise specified in Clause 3 of this Article.

3. In case where an enterprise has been granted a license for provision of telecommunications services and a license for establishment of public telecommunications networks and the validity duration stated on the license for provision of telecommunications services is shorter than that stated on the license for establishment of public telecommunications networks, the validity duration of the latter shall prevail.

4. In case an organization or enterprise submits an application for a telecommunications license before the effective date of this Law but has not been granted the license by July 1, 2024, it will be considered for a license in accordance with the Law on Telecommunications No. 41/2009/QH12 amended by the Law No. 21/2017/QH14 and Law No. 23/2018/QH14.

This Law is approved in the 6th session of the 15th National Assembly of the Socialist Republic of Vietnam in November 24, 2023.

CHAIRMAN OF NATIONAL ASSEMBLY

Vuong Dinh Hue