

LAW

ON TELECOMMUNICATIONS

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10; The National Assembly promulgates the Law on Telecommunications.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for telecommunications activities, including telecommunications investment and business; public-utility telecommunications; telecommunications management; construction of telecommunications works: rights and obligations of organizations and individuals engaged in telecommunications activities.

Article 2. Subjects of application

This Law applies to domestic and foreign organizations and individuals directly engaged or related to telecommunications activities in Vietnam.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Telecommunications* means the sending, transmission, reception and processing of signs, signals, data, writings, images, sounds or information of any other nature by cable, radio, optical and other electromagnetic devices.
2. *Telecommunications equipment* means technical equipment, including both hardware and software, used for providing telecommunications services.
3. *Terminal equipment* means fixed or mobile telecommunications equipment connected to endpoint nodes of telecommunications networks in order to send, transmit, receive and process information of users.
4. *Subscriber terminal equipment* means terminal equipment of a telecommunications subscriber.
5. *Network equipment* means telecommunications equipment installed on telecommunications

networks to facilitate the provision of telecommunications services.

6. *Telecommunications commodity* means a telecommunications software or supplies or equipment.

7. *Telecommunications service* means the service of sending, transmitting, receiving or processing of information between two users or within a group of users of telecommunications services, including basic service and value-added service.

8. *Telecommunications application service* means a service using telecommunications transmission lines or networks to provide application services in the domains of information technology, radio or television broadcasting, commerce, finance, banking, culture, information, health care, education and other domains.

9. *Transmission line* means a combination of telecommunications equipment used to form part or the whole information link between two given points.

10. *Telecommunications network* means a combination of telecommunications equipment interconnected by transmission lines to provide telecommunications or telecommunications application services.

11. *Public telecommunications network* means a telecommunications network established by a telecommunications business to provide telecommunications services or application services to the public for the profit purpose.

12. *Exclusive-use telecommunications network* means a telecommunications network established by an organization operating in

Vietnam to provide telecommunications services or application services to the network members not for the purpose of making profits from its operations.

13. *Intranet* means a telecommunications network established by an organization or individual at a place with specified address and scope and subject to the lawful use right of such organization or individual in service of internal communication not for the purpose of making direct profits from its operations.

14. *Internet* means the global information system using the Internet protocol and resources to provide different services and applications to telecommunications service users.

15. *Endpoint node of a public telecommunications network* means a point of physical connection in this telecommunications network according to technical standards and regulations to ensure the connection of terminal equipment to the telecommunications network and the delimitation of economic and technical boundaries between a telecommunications business and telecommunications service users.

16. *Telecommunications connection* means the physical and logical connection between

telecommunications networks, through which telecommunications service users of a network may reach users or access services of another network and vice versa.

17. Telecommunications work means a construction work, including inactive telecommunications technical infrastructure (buildings, stations, poles, sewers and tanks) and network equipment installed therein.

18. *Telecommunications infrastructure* means a combination of telecommunications equipment, transmission lines, networks and works.

19. *Essential devices* means an important part of telecommunications infrastructure wholly or largely under the monopolized possession of one or several telecommunications businesses on the telecommunications market, with the new formation of this infrastructure part for replacement economically and technically infeasible.

20. *Telecommunications resource* means a national resource consisting of telecommunications number storages. Internet resources, radio frequency bands and satellite orbits under the national management.

21. *Telecommunications number storage* means an assortment of codes and numbers under the national management and uniformly planned to establish telecommunications networks, provide and use telecommunications services.

22. *Internet resource* means an assortment of names and numbers under the national management and uniformly planned to facilitate Internet activities.

Internet resource consists of domain names. Internet addresses, identification numbers of networks and other names and numbers as prescribed by international telecommunications and Internet organizations.

23. *Telecommunications business* means a business established under the Vietnamese law and licensed to provide telecommunications services.

Telecommunications businesses include service providers with network infrastructure and those without network infrastructure.

24. *Telecommunications service agent* means an organization or individual that provides telecommunications services to users under an agency contract with a telecommunications business to enjoy commissions or resell telecommunications services to enjoy price differences.

25. *Telecommunications service user* means an organization or individual that enters into a telecommunications service use contract with a telecommunications business or service agent.

26. *Telecommunications subscriber* means a telecommunications service user that involves the specification of a certain telecommunications resource or transmission line.

27. *Resale of telecommunications services* means the provision of telecommunications services by a telecommunications business or service agent to telecommunications service users on the basis of renting a transmission line or buying a telecommunications flow under a contract with another telecommunications business.

Article 4. State policies on telecommunications

1. Creating conditions for organizations and individuals of all economic sectors to invest in telecommunications and conduct telecommunications business with a view to rapidly developing and modernizing telecommunications infrastructure, diversifying telecommunications services and meeting requirements of socio-economic development, contributing to the national defense and security maintenance, and raising the people's living standards.

2. Assuring an environment of fair competition in telecommunications activities.

3. Creating favorable conditions for development of telecommunications infrastructure and provision of telecommunications services in deep-lying, remote and border areas, islands, areas with exceptional socio-economic difficulties; clearly distinguishing public-utility telecommunications activities from telecommunications business activities; promoting the use of the Internet in the domains of education, training, health care and scientific research.

4. Intensifying investment in building and modernizing exclusive-use telecommunications networks in service of defense and security activities and operations of agencies of the Party and the State.

5. Promoting the development of telecommunications human resources to meet requirements of the management, exploitation and effective commercial operation of telecommunications infrastructure.

6. Enhancing international cooperation in telecommunications on the basis of respect for independence, sovereignty, equality and mutual benefit and compliance with Vietnamese laws and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 5. Assurance of safety of telecommunications infrastructure and information security

1. Assurance of safety of telecommunications infrastructure and information security is a responsibility of all organizations and individuals. Upon detecting acts of sabotaging or infringing upon the telecommunications infrastructure, organizations and individuals shall promptly report them to the nearest People's Committee or police office.

2. Organizations and individuals engaged in telecommunications activities may not cause harms to the environment and other socioeconomic activities. In their activities, organizations and individuals may not cause harmful interferences or damage telecommunications equipment, works and networks or adversely affect operation of the telecommunications infrastructure.

3. The Ministry of National Defense, the Ministry of Public Security and People's

Committees at all levels shall, within the ambit of their tasks and powers, protect the safety of the telecommunications infrastructure. Public telecommunications businesses, owners of exclusive-use telecommunications networks, telecommunications service agents and users shall protect telecommunications networks and their terminal equipment and take part in protecting the public telecommunications infrastructure.

4. Organizations and individuals engaged in telecommunications activities shall submit to the management, inspection and examination by competent state agencies and respond to requests of these agencies regarding the assurance of safety of the telecommunications infrastructure and information security.

5. Competent state agencies may mobilize part or the whole telecommunications infrastructure in cases of emergency under the law on national defense, national security and cases of emergency.

6. At the request of competent state agencies, telecommunications businesses shall provide telecommunications network access points and other necessary technical and professional conditions for these agencies to perform the task of controlling and assuring the information security.

7. Telecommunications businesses shall respond to requests of competent state agencies, urgently prevent and terminate the provision of telecommunications services in cases of public violence or riot or use of telecommunications services against national security or the State of the Socialist Republic of Vietnam.

8. The Ministry of Information and Communications shall assume the prime responsibility for. and coordinate with the Ministry of National Defense, the Ministry of

Public Security and concerned agencies in. prescribing the assurance of safety of the telecommunications infrastructure and information security in telecommunications activities.

Article 6. Assurance of 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. The control of information on telecommunications networks shall be performed by competent state agencies under law.

4. Telecommunications businesses may not disclose private information on telecommunications service users, including name, address, caller number, call number, position of caller, position of call recipient, call duration and other private information provided by users upon entry into contracts with telecommunications businesses, except for the following cases:

a) Telecommunications service users agree to provide information:

b) Telecommunications businesses agree in writing on exchange of provided information on telecommunications service users for calculation of charges, billing of invoices and prevention of acts of shirking contractual obligations;

c) The information disclosure is requested by competent state agencies under 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 combat of natural disasters, search and rescue, salvage, fires and other disasters.

3. Urgent information in service of provision of first aid and prevention and combat of epidemics and diseases.

4. Other cases specified by the law on cases of emergency.

Article 8. National plan on telecommunications development

1. National plan on telecommunications development is a master plan setting forth objectives, principles and orientations for development of telecommunications market, infrastructure, technologies and services and solutions thereto.

2. The elaboration of the national plan on telecommunications development shall adhere to the following principles:

a) Being in line with the national socioeconomic development strategy, planning and plans in each period; and compliant with Vietnamese laws and treaties to which the Socialist Republic of Vietnam is a contracting party;

b) Being consistent with the trend of telecommunications technology and service convergence; and facilitating the application of modern and advanced technologies;

c) Ensuring effective and economical management, exploitation and use of telecommunications resources for proper purposes;

d) Ensuring the sustainable and harmonious telecommunications development: narrowing down

the telecommunications development gap between different regions and areas;

e) Protecting the environment and assuring the safety of the telecommunications infrastructure and information security.

3. The Ministry of Information and Communications shall elaborate the national plan on telecommunications development and submit it to the Prime Minister for approval and organization of implementation of this plan.

Based on the national plan on telecommunications development, telecommunications businesses shall work out their own planning and plans.

Article 9. Responsibilities for state management of telecommunications

1. The Government performs the unified state management of telecommunications.

2. The Ministry of Information and Communications shall be answerable to the Government for unified state management of telecommunications, and has the following tasks and powers:

a) To promulgate or propose to competent state agencies for promulgation legal documents, technical standards and regulations, econ-technical norms on telecommunications; national telecommunications development strategy and plan;

b) To organize the implementation of legal documents on telecommunications, the national telecommunications development strategy and plan:

c) To manage and regulate the telecommunications market; to manage the provision of telecommunications services and operations;

d) To actively coordinate with the Ministry of Industry and Trade in managing competition in activities of building the telecommunications infrastructure and providing telecommunications services under the law on competition;

e) To inspect, examine and settle disputes, complaints and denunciations and handle law violations in telecommunications activities:

f) To train, retrain and develop human resources: to conduct scientific and technological research and application in telecommunications activities;

g) To perform international cooperation in telecommunications.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Information and Communications in performing the state management of telecommunications.

4. People's Committees at all levels shall, within the ambit of their tasks and powers, perform the

state management of telecommunications in their localities.

Article 10. Specialized management agency in charge of telecommunications

The specialized management agency in charge of telecommunications is an agency under the Ministry of Information and Communications, which shall assist the Ministry in performing the task of state management of telecommunications according to the assignment and decentralization by a competent state agency.

Article 11. Specialized telecommunications inspectorate

The specialized telecommunications inspectorate and its organizational structure shall be established and specified by the Ministry of Information and Communications under the law on inspection.

Article 12. Prohibited acts in telecommunications activities

1. Taking advantage of telecommunications activities to act against the State of the Socialist Republic of Vietnam; causing harm to the national security and social order and safety; undermining the all-people great solidarity; propagating war of aggression: sowing hatred and conflict among nations, ethnicities and religions: propagating and disparaging violence, debauchery, depraved lifestyle, crimes, social evils and superstitious practices; breaching the nation's fine customs and traditions.
2. Disclosing state secrets; military, security, economic, external secrets and other confidential information specified by law.
3. 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.
4. Spreading information to distort, slander or bringing down the prestige of organizations or honor and dignity of individuals.
5. Advertising, propagating or trading in goods or services banned by law.
6. Illegally obstructing, disrupting or undermining the establishment of the telecommunications infrastructure, the lawful provision and use of telecommunications services.

Chapter II

TELECOMMUNICATIONS BUSINESS

Article 13. Forms of telecommunications business

1. Telecommunications business means provision of telecommunications services and trading in telecommunications commodities.

The provision of telecommunications services means investment in the public telecommunications infrastructure and provision of telecommunications services for the profit purpose.

The trading in telecommunications commodities means investment, manufacture, sale and purchase, or lease of telecommunications software, supplies and equipment for the profit purpose.

2. The provision of telecommunications services shall comply with this Law and other relevant laws.

The trading in telecommunications commodities shall comply with Articles 51 and 52 of this Law and other relevant laws.

Article 14. Rights and obligations of telecommunications businesses

1. Apart from the rights and obligations provided in the Law on Enterprises, service providers without network infrastructure also have the following rights and obligations:

a) To build, install and own systems of telecommunications equipment and transmission lines within locations of their public service establishments and points for providing telecommunications services to users;

b) To hire transmission lines for interconnection of their systems of telecommunications equipment and public service establishments and points and logging of these systems to public telecommunications networks of other telecommunications businesses;

c) To hire transmission lines or buy telecommunications flows of other telecommunications businesses for resale to telecommunications service users;

d) To sublease telecommunications infrastructure to other telecommunications businesses;

e) To be distributed the telecommunications resources under the telecommunications resource planning and regulations on management of telecommunications resources;

f) To perform public-utility telecommunications tasks assigned by the State and make financial contributions to the Vietnam Fund for Public-Utility Telecommunications Services;

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

h) To submit to the control by competent state agencies and comply with regulations on assurance of safety of telecommunications infrastructure and information security;

i) To report, on a periodical basis or at the request of the specialized management agency in charge of telecommunications, on their operations; and to take responsibility for the accuracy and timeliness of reported contents and data.

2. Providers of network infrastructure services have the following rights and obligations:

a) To use the space, ground surface, underground space, river bed and sea bed for building telecommunications infrastructure under the planning, technical standards and regulations;

b) To lease telecommunications infrastructure to other telecommunications businesses:

c) To participate in providing public-utility telecommunications services:

d) Other rights and obligations provided in Clause 2 of this Article.

Article 15. Rights and obligations of telecommunications service agents

Apart from the rights and obligations provided in the Commercial Law, telecommunications service agents also have the following rights and obligations:

To set up systems of terminal equipment at places used for provision of telecommunications services to users as agreed in telecommunications service agency contracts;

To provide or resell telecommunications services under this Law;

To refuse providing telecommunications services to users violating Article 12 of this Law or at the request of competent state agencies;

To comply with regulations on assurance of safety of telecommunications infrastructure and information security;

To request telecommunications businesses entering into telecommunications service agency contracts to guide and supply information on telecommunications services and submit to inspection and control by these telecommunications businesses;

To provide telecommunications services within time limits set by local administrations:

To provide telecommunications services of quality and at charge rates indicated in telecommunications service agency contracts.

Article 16. Rights and obligations of telecommunications service users and telecommunications subscribers

1. Telecommunications service users have the following rights and obligations:

a) To select telecommunications businesses or telecommunications service agents for entry into telecommunications use contracts;

b) To request telecommunications businesses and telecommunications service agents to provide necessary information related to the use of or telecommunications services;

c) To use or telecommunications services of quality and at charge rates indicated in telecommunications service use contracts;

d) To refuse using some or all telecommunications services under telecommunications service use contracts;

e) To have their private information kept confidential under law;

f) To complain about service charge rates and quality; to be refunded service charges or enjoy compensations for other direct damage caused by telecommunications businesses or telecommunications service agents;

g) To pay fully and on time telecommunications service charges;

h) To pay compensations for direct damage caused by them to telecommunications businesses or telecommunications service agents;

i) To take responsibility before law for information transmitted, sent or stored on telecommunications networks;

j) To refrain from using their telecommunications infrastructure to commercially provide telecommunications services.

2. Telecommunications subscribers have the following rights and obligations:

a) To design and install or hire other organizations or individuals to design and install subscriber terminal equipment and intranets from their places of service use to the terminal point of the public telecommunications network;

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

c) To provide adequate and accurate their vital information to telecommunications businesses upon entry into telecommunications service use contracts;

d) To protect their passwords, keywords and subscriber terminal equipment;

e) The rights and obligations provided in Clause 1 of this Article.

Article 17. Ownership in the provision of telecommunications services

1. The State holds dominant shares in 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.

The Prime Minister promulgates the list of service providers with network infrastructure in which the State holds controlling shares.

2. The Government shall specify the maximum equity or share level which an organization or individual is allowed to hold in two or more other telecommunications businesses which all conduct business in the same telecommunications service market in order to assure fair competition.

Article 18. Investment in commercial provision of telecommunications services

Investment in commercial provision of telecommunications services shall comply with this Law and the law on investment.

2. Forms and conditions of foreign investment and capital contribution caps of foreign investors in telecommunications services shall comply with Vietnamese laws and treaties to which the Socialist Republic of Vietnam is a contracting party.

The Government shall specify forms and conditions of foreign investment and maximum capital contribution caps of foreign investors in telecommunications services.

3. Foreign investors that make first-time investments in the provision of telecommunications services in Vietnam shall:

a) Have investment projects and carry out procedures for investment registration or verification at state management agencies in charge of investment to obtain investment certificates, which concurrently serve as business registration certificates:

b) Apply for licenses for provision of telecommunications services under Articles 34, 35 and 36 of this Law.

4. Foreign-invested businesses established in Vietnam and conducting investment in the provision of telecommunications services shall:

a) Carry out procedures for modifying or supplementing their existing business registration

certificates or investment certificates;

b) Apply for licenses for provision of telecommunications services under Articles 34, 35 and 36 of this Law.

5. Vietnamese businesses without foreign investment and domestic investors conducting investment in the provision of telecommunications services shall:

a) Make the business registration under the Law on Enterprises and other relevant laws:

b) Apply for licenses for provision of telecommunications services under Articles 34, 35 and 36 of this Law without having to carry out procedures for investment registration and verification.

6. Offshore investment in the provision of telecommunications services shall comply with laws on investment of Vietnam and host countries.

Article 19. Competition in the provision of telecommunications services

1. Telecommunications businesses may not take acts of competition suppression or unfair competition as specified in the Law on Competition.

2. Apart from Clause I of this Article, telecommunications businesses or groups of telecommunications businesses that dominate the market and telecommunications businesses that possess essential devices shall refrain from taking the following acts:

a) Clearing telecommunications services among them for the unfair competition purpose:

b) Taking advantage of their telecommunications networks and essential devices to impede the market penetration or limit or cause troubles to provision of telecommunications services by other telecommunications businesses;

c) Using information obtained from other telecommunications businesses for the unfair competition purpose;

d) Failing to promptly provide to other telecommunications businesses technical information on essential devices and relevant commercial information necessary for the provision of telecommunications services.

3. Telecommunications businesses or groups of telecommunications businesses that dominate the market or telecommunications businesses that possess essential devices shall make statistics on and conducting separate accounting of telecommunications services with dominant market shares to determine costs of these telecommunications services.

4. In each period, the Ministry of Information and Communications shall promulgate a list of telecommunications businesses and groups of telecommunications businesses that dominate the market in important telecommunications services subject to competition management by the

State, and a list of telecommunications businesses that possess essential devices; and devise and apply management measures to promote competition and assure fair competition in the provision of telecommunications services.

5. Before embarking on the economic concentration, telecommunications businesses that have combined market share of 30-50% on the relevant service market shall notify it to the specialized management agency in charge of telecommunications.

6. The enforcement of the provisions of Clause 1, Article 25 of the Law on Competition in telecommunications activities shall be approved in writing by the Minister of Information and Communications.

7. The Ministry of Information and Communications shall assume the prime responsibility and coordinate with the Ministry of Industry and Trade shall specify the implementation of Clauses 1. 5 and 6 of this Article.

Chapter III

PUBLIC-UTILITY TELECOMMUNICATIONS

Article 20. Public-utility telecommunications activities

1. Public-utility telecommunications activities mean the provision of public-utility telecommunications services and the performance of state-assigned public-utility telecommunications tasks.

2. Public-utility telecommunications services include universal telecommunications services and mandatory telecommunications services.

Universal telecommunications service means a telecommunications service provided to all people according to the service list, conditions, quality and charge rates prescribed by the State.

Mandatory telecommunications service 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. The financial source for the provision of public-utility telecommunications services comes from the Vietnam Fund for Public-Utility Telecommunications Services; the financial source for the performance of state-assigned public-utility telecommunications tasks comes from the slate budget.

4. The selection of providers of public-utility telecommunications services shall be conducted through order placement, bidding or plan assignment.

Article 21. Management of public-utility telecommunications activities

1. The Prime Minister shall approve programs on provision of public-utility telecommunications services in line with the national plan on telecommunications development; and specify public-utility telecommunications tasks funded by the state budget.
2. The Ministry of Information and Communications shall:
 - a) Assume the prime responsibility for, and coordinate with the Ministry of Finance in, formulating programs on provision of public-utility telecommunications services and submitting them to the Prime Minister for approval;
 - b) Promulgate a list of public-utility telecommunications services: their quality, charge rates and eligible beneficiaries; and the scope of provision of public-utility telecommunications services;
 - c) Work out and organize the implementation of annual plans on provision of public-utility telecommunications services;
 - d) Manage and inspect the provision of public-utility telecommunications services and the performance of public-utility telecommunications tasks by telecommunications businesses.

Article 22. The Vietnam Fund for Public-Utility Telecommunications Services

1. The Fund for Vietnamese Public-Utility Telecommunications Services is a state financial institution which operates not for profits in support of implementation of state policies on provision of public-utility telecommunications services.
2. The Fund for Vietnamese Public-Utility Telecommunications Services is raised from the following sources:
 - a) Contributions in proportion to turnover from telecommunications services of telecommunications businesses;
 - b) Aid, financial aid and voluntary contributions of domestic and foreign organizations and individuals;
 - c) Other lawful sources.
3. The Prime Minister shall decide on the setting up of the Fund for Vietnamese Public-Utility Telecommunications Services and formulate the mechanism for contribution and use of the Fund's financial sources.
4. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Information and Communications in, promulgating regulations on accounting, collection and remittance of contributions to the Fund for Vietnamese Public-Utility Telecom-

munications Services and the regulation on financial management of the Fund for Vietnamese Public-Utility Telecommunications Services.

Chapter IV

ESTABLISHMENT OF TELECOMMUNICATIONS NETWORKS AND PROVISION OF TELECOMMUNICATIONS SERVICES

Article 23. Subscriber terminal equipment and intranets

1. The installation and connection of subscriber terminal equipment and intranets to the public telecommunications network shall comply with regulations on management of telecommunications resources and standards and technical regulations.
2. The logging of subscriber terminal equipment and intranets onto the public telecommunications network shall be conducted by telecommunications businesses under telecommunications service use contracts.

Article 24. Establishment of telecommunications networks

1. Telecommunications networks shall be built and developed under telecommunications strategies, planning, standards and technical regulations approved or promulgated by competent slate agencies.
2. Organizations establishing telecommunications networks shall obtain licenses for establishment of telecommunications networks under this Law.
3. The Prime Minister shall specify the establishment and operation of exclusive-use telecommunications networks in service of the Party's and the State's agencies.
4. The Ministry of National Defense and the Ministry of Public Security shall prescribe the establishment and operation of exclusive-use telecommunications networks in service of national defense and security.
5. Except for the cases specified in Clauses 3 and 4 of this Article, the Ministry of Information and Communications shall specify the establishment of the public telecommunications network and the following exclusive-use telecommunications networks:
 - a) Exclusive-use telecommunications networks with wired transmission lines built by organizations;
 - b) Exclusive-use 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 exclusive use by foreign diplomatic missions or consular offices. Vietnam-based representative offices of international organizations which enjoy the diplomatic privileges and immunities or consular immunities.

d) Other exclusive-use telecommunications networks.

Article 25. Provision of telecommunications services

1. Institutional providers of telecommunications services must have licenses for provision of telecommunications services, except the cases specified in Clauses 2 and 3. Article 40 of this Law.

2. The provision of telecommunications application services shall comply with the provisions of this Law on connection and management of telecommunications resources.

standards and technical regulations and other relevant laws.

3. Telecommunications services shall be directly provided or resold under telecommunications service use contracts between telecommunications businesses or telecommunications service agents and telecommunications service users.

4. Telecommunications businesses shall register mode! telecommunications service use contracts.

5. The provision of telecommunications services across the border to telecommunications service users in the Vietnamese territory shall comply with Vietnamese laws and treaties to which the Socialist Republic of Vietnam is a contracting party.

6. Vietnamese telecommunications businesses shall provide offshore telecommunications services under Vietnamese laws, treaties to which the Socialist Republic of Vietnam is a contracting party and laws of countries to which services are provided.

7. The Ministry of Information and Communications shall specify the provision of telecommunications services.

Article 26. Refusal to provide telecommunications services

Telecommunications businesses may not refuse to enter into contracts or unilaterally terminate contracts with telecommunications service users, except the following cases:

Telecommunications service users breach contracts already entered into:

2. Telecommunications service users breach the obligation to pay service charges and to whom telecommunications businesses have agreed to refuse providing services;

3. The provision of telecommunications services is certified in writing by the specialized management agency in charge of telecommunications as econo-technically infeasible;
4. There are written requests of competent state agencies under law.

Article 27. Termination of commercial provision of telecommunications services

1. Upon terminating the commercial provision of some or all licensed telecommunications services, telecommunications businesses shall notify such in writing to the specialized management agency in charge of telecommunications and concurrently take measures to assure legitimate rights and interests of telecommunications service users and involved parties.
2. Telecommunications businesses that possess essential equipment, telecommunications businesses or groups of telecommunications businesses that dominate the market, and public-utility telecommunications service providers may terminate the provision of some or all telecommunications services after obtaining a written approval of the Ministry of Information and Communications.
3. The Government shall specify conditions and procedures for termination of some or all telecommunications service providing activities.

Article 28. Professional communication

1. Telecommunications businesses may use free of charge domestic and international communication via telecommunications networks they operate for their management, administration and technical and professional handling.
2. Telecommunications businesses shall specify subjects eligible for, scope and level of use, and promulgate regulations on management of internal professional communication.

Article 29. Emergency telecommunications services

1. Emergency telecommunications service means a service of calling to emergency contact numbers of police, fire department or ambulance.
2. The Ministry of Information and Communications shall prescribe emergency contact numbers in the planning on national telecommunications number storages; and guide the provision of emergency telecommunications services.
3. Telecommunications businesses shall:
 - a) Notify telecommunications service users of emergency contact numbers and publish them in public telephone directories;
 - b) Secure the accessibility of emergency contact numbers for telecommunications service users:

c) Exempt users of local fixed telephone services from charge for calling to emergency contact numbers.

Article 30. Service of assistance for 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 and stored in the form of printed or electronic publications or cached in the computer network distributed or managed by telecommunications businesses.

2. Fixed telephone subscribers may register or refuse to register their subscriber information in public telephone directories.

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

4. Telecommunications businesses shall provide free of charge to users of fixed telephone services at least one type of public telephone directory specified in Clause 1 of this Article.

5. The Ministry of Information and Communications shall specify the provision of the service of assistance for search for fixed telephone subscriber numbers.

Article 31. Service of reporting on breakdown of fixed telephone subscriber numbers

Service of reporting on breakdown of fixed telephone subscriber numbers means a local fixed telephone service for notifying abnormal operation or disconnection of fixed telephone subscriber numbers managed by telecommunications businesses and requesting the problem to be addressed.

2. Telecommunications businesses shall assure the accessibility of the service of reporting on breakdown of fixed telephone subscriber numbers for and exempt telecommunications service users from the charge for this service.

Article 32. Billing of invoices on and payment of telecommunications service charges

1. Telecommunications businesses shall bill invoices on payment of service charges in an accurate, full and timely manner for telecommunications service users that pay charges after using services. Telecommunications service users shall pay fully and on time charges for telecommunications services provided by telecommunications businesses according to these invoices.

2. Telecommunications businesses shall accurately withhold charge amounts payable by telecommunications service users at charge rates prescribed for prepaid telecommunications services.

3. An invoice on payment of telecommunications service charge must fully, accurately and clearly show the following details:

a) Charge rate and money amount payable for each type of telecommunications service:

b) Total payable amount;

c) Value-added tax.

4. In case of billing invoices on monthly payment of telecommunications service charges under contracts, unless otherwise agreed between telecommunications businesses and telecommunications subscribers, the former shall provide or hire other organizations to provide the latter with a detailed list of one-time charge exemption accompanied with invoices for telecommunications services on the list of services promulgated by the Ministry of Information and Communications.

Article 33. Refund of charges and payment of compensations for damage

1. Telecommunications businesses that provide services not within the time limit and of quality indicated in contracts with telecommunications service users shall refund part or whole of collected charges.

2. Telecommunications businesses are not required to pay compensations for indirect damage or profits not earned due to the provision of telecommunications services beyond the said time limit or of inferior quality.

3. In the provision and use of telecommunications services, parties to telecommunications service use contracts shall pay compensations for direct material damage caused by their fault to other parties.

4. Parties to telecommunications service use contracts are exempt from the liability to pay compensations for damage in force majeure circumstances.

Chapter V

GRANT OF TELECOMMUNICATIONS LICENSES

Article 34. Telecommunications licenses

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

2. Licenses for provision of commercial telecommunications services include:

a) License for establishment of telecommunications networks which is valid for 15 years or less

and granted to service providers with network infrastructure:

b) License for provision of telecommunications services which is valid for 10 years or less and granted to service providers without network infrastructure.

3. Licenses for telecommunications operations include:

a) License for installation of undersea telecommunications cable lines which is valid for 25 years or less and granted to organizations that install undersea telecommunications cable lines ashore or across the internal waters, territorial seas, continental shelf or exclusive economic zones of Vietnam:

b) License for establishment of exclusive-use telecommunications networks which is valid for 10 years and granted to organizations that establish exclusive-use telecommunications networks:

c) License for testing of telecommunications networks and services which is valid for 1 year and granted organizations that test telecommunications networks and services.

4. The Government shall specify the competence, conditions and procedures for grant, modification, supplementation, extension and revocation of telecommunications licenses.

Article 35. Principles of grant of telecommunications licenses

1. Telecommunications licenses shall be granted the national telecommunications development strategy and plan.

2. Telecommunications licenses shall be granted first of all to projects which can be rapidly implemented in reality and involve commitments to provide long-term services to telecommunication service users: projects on provision on telecommunication services to deep-lying, remote and border areas, islands and areas with exceptionally difficult socio-economic conditions.

3. In case the grant of telecommunications licenses involves the use of the telecommunications resources, these licenses shall be considered for grant only if the allocation of the telecommunications resources is feasible and in line with the approved plan and ensures the effective use of the telecommunications resources.

4. Organizations with telecommunications licenses shall take responsibility before law for the accuracy of their dossiers of application for telecommunications licenses and implementation of provisions of granted licenses and their commitments made with the licensing agency.

5. Organizations with telecommunications licenses shall pay the charge for the right to telecommunications operation and the fee for grant of telecommunications licenses under the law on charges and fees.

Article 36. Conditions on grant of licenses for commercial provision of telecommunications services

1. A business will be granted a license for provision of telecommunications services when fully satisfying the following conditions:

- a) Having a business registration certificate or certificate of investment in commercial provision of telecommunications services;
- b) Having sufficient financial capability, organizational structure and manpower suitable to size of projects;
- c) Working out technical plans and feasible business plans in line with the national telecommunications development strategy and plan, and in compliance with regulations on the telecommunications resources, connection, charge rates, technical standards and regulations, and quality of telecommunications networks and services;
- d) Taking measures to assure the safety of telecommunications infrastructure and information security.

2. A business will be granted a license for establishment of a public telecommunications network when fully satisfying the following conditions:

- a) The conditions specified in Clause 1 of this Article;
- b) Have a legal capital and made a committed investment capital according to the Government's regulations.

Article 37. Conditions on grant of licenses for telecommunications operations

1. A Vietnamese or foreign organization will be granted a license for installation of undersea telecommunications cable lines when fully satisfying the following conditions:

- a) Committing to complying with provisions of Vietnamese laws;
- b) Committing to refraining from causing pollution of the marine environment;
- c) Committing to refraining from performing activities other than survey, installation, maintenance and repair of telecommunications cable lines;
- d) Providing adequate, accurate and timely information related to cable lines to the specialized management agency in charge of telecommunications;
- e) Submit to the inspection, supervision and control by competent state agencies upon conducting survey, installation, maintenance or repair of cable lines in Vietnamese seas and bear

all expenses for inspection, control or instruction activities.

2. An organization will be granted a license for establishment of an exclusive-use telecommunications network when fully satisfying the following conditions:

a) Committing to establishing an exclusive-use telecommunications network only for the purpose of providing services for the network members and not for the purpose of commercial provision of telecommunications services;

b) Working out technical and professional operation plans in line with the national telecommunications development plan and in compliance with regulations on the telecommunications resources, connection, and technical standards and regulations:

c) Devising measures to assure the safety of telecommunications infrastructure and information security.

3. An organization will be granted a license for testing of telecommunications networks and services when fully satisfying the following conditions:

a) Services requested to be tested are telecommunications services not indicated in the granted telecommunications license or telecommunications services using the telecommunications resources other than that already allocated:

b) Testing scope and scale is limited to evaluating the technology and market before official commencement of business operation:

c) Testing plan is compliance with regulations on telecommunications connection, charge rates, technical standards and regulations.

Article 38. Conditions on extension, modification, supplement or re-grant of telecommunications licenses

1. A telecommunications license will be extended when the following conditions are fully satisfied:

a) The organization applying for license extension has been granted the license according to the provisions of the license and this Law:

b) Total duration of initial grant and extension of the telecommunications license must not exceed the maximum validity duration prescribed for such type of license. In case the validity duration for the initial grant of a license is equal to the maximum validity duration prescribed for such type of license, when the license's validity duration expires, it may only be considered for extension of 1 year or less.

2. The grant of a new telecommunications license to an organization when a granted telecommunications license expires shall comply with Articles 35. 3b and 37 of this Law. Taking

into accounting the implementation of provisions of the granted license and benefits of telecommunications service users.

3. The modification or supplementation of a telecommunications license within its validity duration made at the request of the licensed organization or of the Ministry of Information and Communications shall be in line with the telecommunications resources planning and in compliance with regulations on telecommunications connection, charge rates, technical standards and regulations.

Article 39. Revocation of telecommunications licenses

1. An organization shall have its telecommunications license revoked if it falls into any of the following cases:

a) The case specified in Clause 1. Article 12 of this Law:

b) It has committed a fraudulent act or provided untruthful information to obtain a telecommunications license:

c) It has operated at variance with the contents of the granted telecommunications license, causing serious consequences to legitimate rights and interests of other organizations and individuals:

d) It has failed to implement in reality the contents of the granted telecommunications license for 2 years from the date of license grant;

e) It has failed to notify the Ministry of Information and Communications of termination of provision of telecommunications services according to the granted telecommunications license for 1 whole year.

2. Organizations having their telecommunications licenses revoked in the cases specified at Points b, c, d and e, Clause I of this Article may apply for new telecommunications licenses one year after the date of license revocation if they have remedied consequences and satisfy all the conditions to be granted telecommunications licenses specified in this Law.

Article 40. Exemption from telecommunications licenses

Organizations and individuals engaged in telecommunications activities are not required to obtain telecommunications licenses in the following cases:

1. They trade in telecommunications commodities:

2. They provide telecommunications services as telecommunications service agents;

3. They rent transmission lines for provision of telecommunications application services:

4. They operate exclusive-use telecommunications networks, except the cases specified at Points a, b, c and d. Clause 5. Article 24 of this Law.

Article 41. Charge for the right to telecommunications operation

1. Charge for the right to telecommunications operation is a sum of money payable by an organization to the State to be entitled to establish a telecommunications network or provide telecommunications services. This charge shall be determined on the basis of scope and size of (the telecommunications network and telecommunications service turnover; volume and value of allocated telecommunications resources: level of use of space, ground surface, underground space, river bed and sea bed for establishing the telecommunications network or building telecommunications works and public telecommunications service points.

2. Organizations shall pay the charge for the right to telecommunications operation by any of the following modes:

a) Annual payment of the charge pro rata according to turnover:

b) Annual payment of the charge in a fixed amount:

c) Lump-sum payment of the charge in a fixed amount for the whole validity duration of the license.

3. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Information and Communications in, promulgating or proposing to competent state agencies for promulgation charge rates, collection, remittance, management and use of the charge for the right to telecommunications operation.

Chapter VI

CONNECTION AND SHARING OF TELECOMMUNICATIONS INFRASTRUCTURE

Article 42. Principles for telecommunications connection

1. Telecommunications businesses may connect their telecommunications networks to telecommunications networks or services of other telecommunications businesses and shall let other telecommunications businesses be connected to their telecommunications networks and services.

2. The connection of telecommunications networks and services shall be conducted on the following principles:

a) Connection is based on negotiations to ensure equality, rationality and guarantee for rights and interests of involved parties;

- b) Efficient use of telecommunications resources and infrastructure;
- c) Satisfaction of technical requirements of the telecommunications connection and safety and uniformity of telecommunications networks;
- d) Assurance of legitimate rights and interests of telecommunications service users and relevant organizations and individuals.

Article 43. Connection to public telecommunications networks

1. When connecting to public telecommunications networks, service providers with network infrastructure shall:

- a) Provide connection at any point which is technically feasible on their telecommunications networks;
- b) Ensure timely, rational, public and transparent connection:
- c) Refrain from practicing the discriminatory treatment in terms of charge rates, telecommunications technical standards and regulations, telecommunications network and service quality.

2. When connecting to public telecommunications networks, telecommunications businesses possessing essential devices shall:

- a) Create favorable conditions for negotiation on and performance of connection by other telecommunications businesses;
- b) Establish, register with the specialized management agency in charge of telecommunications, and publicize model connection agreements;
- c) Comply with Clause 1 of this Article.

3. Telecommunications connection charge rates shall be set on the basis of connection costs, rationally divided to network components or service stages, regardless of service types.

4. The Ministry of Information and Communications shall specify procedures for signing and implementation of agreements on connection of public telecommunications networks: assume the prime responsibility for consultation and settlement of connection disputes between telecommunications businesses.

Article 44. Connection of exclusive-use telecommunications networks

1. Exclusive-use telecommunications networks may connect to public telecommunications networks if satisfying technical standards and regulations of these public telecommunications

networks and complying with regulations on connection of exclusive-use telecommunications networks to public ones.

The connection between exclusive-use and public telecommunications networks shall be conducted under written connection contracts between telecommunications businesses and organizations having exclusive-use telecommunications networks.

3. Exclusive-use telecommunications networks may not be directly interconnected, unless they obtain a written approval of the specialized management agency in charge of telecommunications.

4. The Ministry of Information and Communications shall specify the connection of exclusive-use telecommunications networks to public ones.

Article 45. Sharing of telecommunications infrastructure

1. The sharing of telecommunications infrastructure means the common use of part of a telecommunications network, work or equipment by telecommunications businesses in order to establish a telecommunications network and provision of telecommunications services in an effective, convenient and quick manner or satisfy requirements on landscape, environment and urban planning.

2. The sharing of telecommunications infrastructure shall be effected under contracts on the basis of guaranteeing legitimate rights and interests of telecommunications businesses.

3. The specialized management agency in charge of telecommunications shall decide on the sharing of telecommunications infrastructure in the following cases:

a) Common use of essential devices in case telecommunications businesses fail to reach an agreement;

b) Common use of inactive telecommunications technical infrastructure to satisfy requirements on landscape, environment and urban planning;

c) Common use of telecommunications infrastructure in service of public-utility telecommunications activities.

4. The Ministry of Information and Communications shall specify the sharing of telecommunications infrastructure.

Chapter VII

TELECOMMUNICATION RESOURCE

Article 46. Management of the telecommunications resources

1. The management of the 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.
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 in line with the national telecommunications development strategy and plan:
 - b) Optimizing the establishment of telecommunications networks and the provision of telecommunications services;
 - c) Guaranteeing the fairness, publicity and transparency of the allocation and distribution of the telecommunications resources:
 - d) Ensuring the efficient, economical and proper use of the telecommunications resources:
 - e) Guaranteeing legitimate rights and interests of organizations and individuals allocated the telecommunications resources and telecommunications service users.
4. The Ministry of Information and Communications shall specify the management of telecommunications number storages and Internet resources.

Article 47. Planning of telecommunications number storages and Internet resources

1. The planning of telecommunications number storages and Internet resources shall adhere to the following principles:
 - a) Being in line with the national telecommunications development strategy and plan:
 - b) Facilitating the application of advanced technologies to suit the trend of technology and service convergence:
 - c) Optimizing the establishment of networks and the provision of telecommunications services:
 - d) Ensuring the efficient, economical and proper use of telecommunications number storages and Internet resources:
 - e) Being compliant with regulations on telecommunications number storages and Internet resources of international organizations of which the Socialist Republic of Vietnam is a member:

f) Guaranteeing legitimate rights and interests of organizations and individuals using telecommunications number storages and Internet resources.

2. The Ministry of Information and Communications shall promulgate the planning on telecommunications number storages and Internet resources.

Article 48. Distribution, use and return of telecommunications number storages and Internet resources

1. The distribution, fixing, allocation, registration (below collectively referred to as distribution) and use of telecommunications number storages and Internet resources shall adhere to the following principles

a) Being in line with the planning on telecommunications number storages and Internet resources;

b) Ensuring the fairness, publicity and transparency of the distribution of telecommunications number storages and Internet resources;

c) Ensuring the efficient, economic and proper use of the distributed telecommunications number storages and Internet resources;

d) Prioritizing the distribution of telecommunications number storages and Internet resources to organizations capable of providing fast telecommunications services in reality: providing telecommunications services to deep-lying, remote and border areas, islands and areas with exceptionally difficult socio-economic conditions: or serving public-utility telecommunications activities;

e) Prioritizing the distribution of telecommunications number storages and Internet resources to organizations capable of applying new and advanced technologies and satisfying requirements of the technology and service convergence.

2. The distribution of telecommunications number storages and Internet resources may be conducted by any of the following modes:

a) Auction of the right to use or selection through examination of subjects, which have use needs exceeding distributed telecommunications number storages and Internet resources, eligible for use of telecommunications number storages and Internet resources of high commercial value;

b) Direct distribution under the planning on the principle that organizations and individuals that have registered first will be considered for distribution first or obtain the use right first, except for the case specified at Point a of this Clause;

c) Other modes of distribution specified by law.

3. Organizations and individuals distributed telecommunications number storages and Internet resources shall:

a) Use, lease or sub-allocate telecommunications number storages and Internet resources distributed to them for proper purposes, within the prescribed scope and to right subjects under distribution decisions and regulations on management of telecommunications number storages and regulations on management and use of the Internet resources;

b) Report to the Ministry of Information and Communications, on a periodical basis or at the latter's request, on plans on use and actual use of telecommunications number storages and Internet resources distributed to them;

c) Pay the auction charge in case of distribution of telecommunications number storages and Internet resources through auction:

d) Pay the charge for use and the fee for distribution of telecommunications number storages and Internet resources.

4. Organizations and individuals that no longer need to use telecommunications number storages and Internet resources shall return them to the agency managing telecommunications number storages and Internet resources.

5. The Prime Minister shall specify the distribution of telecommunications number storages and Internet resources through auction or transfer: and the responsibility to pay compensations upon recovery of telecommunications number storages and Internet resources.

6. The Ministry of Information and Communications shall specify the selection through examination or auction of telecommunications number storages and Internet resources and the list of telecommunications number storages and Internet resources subject to auction in each period.

7. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Information and Communications in, specifying rates, collection, remittance, management and use of the charge for use and the fee for distribution of telecommunications number storages and Internet resources.

Article 49. Transfer of telecommunications number storages and Internet resources

1. Telecommunications number storages and Internet resources allowed to be transferred include:

a) Telecommunications number storages and Internet resources distributed by the Ministry of Information and Communications to organizations and individuals through auction:

b) Internet domain names, except for Vietnam's national domain names ".vn" for agencies of the Party and the State and other organizations under regulations of the Ministry of Information and

Communications.

2. Telecommunications number storages and Internet resources may be transferred under the following conditions:

a) Organizations and individuals that transfer the right to use telecommunications number storages and Internet resources must have such lawful right:

b) Organizations and individuals that are transferred the right to use telecommunications number storages and Internet resources must be licensed for operation or qualified for investment in. exploitation and use of these telecommunications number storages and Internet resources;

c) Transferors and transferees of the right to use telecommunications number storages and Internet resources are obliged to pay tax on telecommunications number storage and Internet resource use right transfer:

d) Transferors and transferees of the right to use telecommunications number storages and Internet resources shall guarantee legitimate rights and interests of involved organizations and individuals;

e) Transfer of the right to use telecommunications number storages and Internet resources already distributed by the Ministry of Information and Communications to organizations and individuals through auction must be approved by the Ministry of Information and Communications.

Article 50. Recovery of telecommunications number storages and Internet resources

1. Recovery of telecommunications number storages and Internet resources means that a competent state agency decides to recover the right, which is still valid, to use telecommunications number storages and Internet resources already distributed to organizations and individuals.

2. Telecommunications number storages and Internet resources shall be recovered in the following cases:

a) They are recovered for use for national or public interests, socio-economic development and defense and security maintenance:

b) Use purposes and subjects eligible for use of telecommunications number storages and Internet resources are no longer in line with the current planning on telecommunications number storages and Internet resources:

c) Organizations and individuals that have been distributed telecommunications number storages and Internet resources fail to pay the fee for distribution or the charge for use of telecommunications number storages and Internet resources.

3. Organizations and individuals that have telecommunications number storages and Internet resources recovered under Clause 2 of this Article shall terminate the use of telecommunications number storages and Internet resources under recovery decisions.

4. The State shall pay compensations to organizations and individuals that have telecommunications number storages and Internet resources recovered under Points a and b. Clause 2 of this Article.

Chapter VIII

MANAGEMENT OF TELECOMMUNICATIONS STANDARDS. TECHNICAL REGULATIONS. QUALITY AND CHARGE RATES

Article 51. Telecommunications standards and technical regulations

1. The system of telecommunications standards include international standards, national standards and institutional standards on telecommunications equipment, connection, works, network and service quality which are announced and applied in Vietnam under the law on standards, technical regulations and quality of products and goods.

2. The system of telecommunications technical regulations include national technical regulations on telecommunications equipment, connection, works, network and service quality which are elaborated and promulgated in Vietnam under the law on standards, technical regulations and quality of products and goods.

Article 52. Management of telecommunications standards and technical regulations, telecommunications network and service quality

1. Before marketing or connecting terminal equipment on the list of telecommunications equipment likely to become unsafe to public telecommunications networks, organizations and individuals shall obtain standard conformity certification, announce standard conformity and use standard conformity seals.

2. Before putting into operation network equipment and devices of measurement for charge calculation on the list of telecommunications equipment subject to compulsory inspection, telecommunications businesses shall conduct the inspection.

3. Telecommunications businesses shall announce, inspect and control the quality of telecommunications networks and services on the list of telecommunications networks and services subject to quality management.

4. The mutual recognition of results of the assessment of telecommunications standards and technical regulation conformity between Vietnam and other countries or territories shall comply with treaties to which the Socialist Republic of Vietnam is a contracting party: or between the Vietnamese conformity assessment organization and conformity assessment organizations of

other countries or territories shall comply with their agreements.

5. The Ministry of Science and Technology shall evaluate and publicize national standards on telecommunications after reaching agreement with the Ministry of Information and Communications.

6. The Ministry of Information and Communications shall:

a) Promulgate national technical regulations and regulations on assessment of conformity with technical regulations on telecommunications equipment, telecommunications network and service quality;

b) Manage the quality of telecommunications network and service quality;

c) Promulgate the list of telecommunications equipment likely to become unsafe, the list of telecommunications equipment subject to compulsory inspection and the list of telecommunications networks and services subject to quality management;

d) Manage operations of organizations assessing the telecommunications standard and technical regulation conformity to meet requirements of the management of telecommunications equipment, network and service quality.

Article 53. Telecommunications service charge rates

1. Telecommunications service charge rates include charge rates applicable to telecommunications service users and charge rates applied among telecommunications businesses.

2. Charge rates applicable to telecommunications service users are those at which telecommunications service users pay charges to telecommunications businesses when using telecommunications services provided by the latter.

3. Charge rates applied among telecommunications businesses are those at which telecommunications businesses pay charges to one another when a telecommunications business buys another's services or uses another's network for endpoint use or transition of telecommunications services. In case a telecommunications business uses another's network for endpoint use of telecommunications services, the charge rate for payment between these telecommunications businesses is referred to as the telecommunications connection charge rate.

Article 54. Principles for determination of telecommunications charge rates

1. Respect for the right of telecommunications businesses to self-determination of and the competition in charge rates.

2. Assurance of harmony between legitimate rights and interests of telecommunications service users, telecommunications businesses and the State.

3. Assurance of an environment for fair competition and performance of public-utility telecommunications activities.

4. Equality and non-discrimination in management and stipulation of telecommunications charge rates, except in case of necessity to encourage new businesses to participate in the market.

Article 55. Grounds for determination of telecommunications charge rates

Telecommunications charge rates shall be determined on the following grounds:

1. Telecommunications development policies and objectives in each period; the law on prices and treaties to which the Socialist Republic of Vietnam is a contracting party;

2. Costs of telecommunications services, market demand and supply and telecommunications charge rates applied in regional countries and the world;

3. Non-clearance between telecommunications services.

Article 56. Management of telecommunications charge rates

1. The Ministry of Information and Communications shall:

a) Prescribe the management of telecommunications charge rates; decide on telecommunications charge rates under the State's regulations;

b) Assume the prime responsibility for. and coordinate with the Ministry of Industry and Trade in. prescribing sales promotion activities in the provision of telecommunications services;

c) Assume the prime responsibility for. and coordinate with the Ministry of Finance in. providing for telecommunications charge exemption or reduction for public-utility telecommunications activities;

d) Direct and guide the implementation of regulations on reporting, accounting and audit in service of management of telecommunications charge rates;

e) Provide for methods of determination of telecommunications service costs:

f) Control or terminate the application of telecommunications charge rates when telecommunications businesses impose too high or apply too low telecommunications charge rates, causing telecommunications market instability and harming the legitimate rights and interests of telecommunications service users, other telecommunications businesses and the State.

2. Telecommunications businesses shall:

- a) Decide on charge rates for telecommunications services they provide, except services on the list of state-prescribed telecommunications charge rates:
 - b) Submit to the Ministry of Information and Communications plans on state-prescribed telecommunications service charge rates:
 - c) Account expenses and determine costs of telecommunications services, and public notification and posting of telecommunications service charge rates;
 - d) Make reports on and conduct accounting and audit in service of management of telecommunications charge rates:
- e) Refrain from imposing too high or applying too low telecommunications charge rates, causing market instability and harming legitimate rights and interests of telecommunications service users, other telecommunications businesses and the State.

Chapter IX

TELECOMMUNICATIONS WORKS

Article 57. Planning of telecommunications works

1. Public telecommunications works are given priority in using spaces, ground surface, underground spaces, river bed and sea bed. Public telecommunications service provision spots may be located first of all at railway stations, car terminals, seaports, airports, border gates and other public places to satisfy needs of telecommunications service users.
2. Planning on construction of traffic works, urban centers, residential areas, industrial parks, economic zones and hi-tech parks must cover planning on inactive telecommunications technical infrastructure in order to ensure the uniformity and synchronism in construction investment and convenience for establishment of telecommunications infrastructure and provision and use of telecommunications services.
3. Local planning on inactive telecommunications technical infrastructure must be in line with the national telecommunications development plan and local socio-economic development plans and constitute a mandatory content of regional construction planning, urban construction planning and rural residential area construction planning under the Law on Construction and the Law on Urban Planning.

Article 58. Land used for telecommunications works

1. Based on the planning on inactive telecommunications technical infrastructure and land use planning and plans already approved by competent state agencies. People's Committees at competent levels shall assign land for construction of telecommunications works important for national security or for use as public-utility telecommunications service provision spots in their

localities.

2. When formulating investment projects on construction of telecommunications works important for national security or for use as public-utility telecommunications service provision spots, investors shall clearly identify land areas needed, plans on payment of compensations for ground clearance and project implementation after their projects are approved and assigned land by competent state agencies.

3. People's Committees at all levels shall, within the ambit of their tasks and powers, assume the prime responsibility for. and coordinate with investors of projects on telecommunications works in. working out and implementing plans on ground clearance, payment of compensations for land and asset damage and protection of land areas for their projects as specified in Clause 1 of this Article.

Article 59. Designing and construction of telecommunications works

1. Traffic works, electricity poles and transmission lines, water supply and drainage pipelines and other technical infrastructure works must be designed and constructed to ensure the installation and protection of telecommunications transmission lines and works.

2. The construction of telecommunications works must be in line with the planning on inactive telecommunications technical infrastructure and compliant with this Law and other relevant laws. Inactive telecommunications technical infrastructure constitutes a mandatory content of basic designs of systems of traffic, energy supply, public lighting, water supply and drainage technical infrastructure works and other technical infrastructure works.

3. Organizations and individuals that construct telecommunications technical infrastructure in association with investment in and installation of telecommunications equipment and cable lines shall notify such to local telecommunications management agencies.

Article 60. Common use of technical infrastructure

1. The common use of traffic, energy supply, public lighting, water supply and drainage, telecommunications technical infrastructure and other technical infrastructure works must ensure effectiveness and thrift, protect the landscape and environment, and be in line with the urban planning and socio-economic development planning.

2. The Government shall specify the common use of traffic, energy supply, public lighting, water supply and drainage, telecommunications technical infrastructure and other technical infrastructure works.

Article 61. Management of telecommunications works

1. The Ministry of Information and Communications shall:

a) Assume the prime responsibility for. and coordinate with the Ministry of Construction, the

Ministry of Transport and the Ministry of Industry and Trade in guiding the elaboration of plannings on designing and construction of inactive telecommunications technical infrastructure combined with traffic, energy supply, public lighting, water supply and drainage technical infrastructure works and other technical infrastructure works as specified in Articles 57 and 60 of this Law;

b) Guide provincial-level People's Committees in elaborating local plannings on inactive telecommunications technical infrastructure.

c) Promulgate regulations on common use of inactive telecommunications technical infrastructure by telecommunications businesses.

2. Provincial-level People's Committees shall:

a) Approve local plannings on inactive telecommunications technical infrastructure under regulations of the Ministry of Information and Communications; publicize, guide, monitor and inspect the implementation of these plannings;

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

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

Chapter X

IMPLEMENTATION PROVISIONS

Article 62. Effect

1. This Law takes effect on July 1, 2010.

2. The provisions on telecommunications of the Ordinance on Post and Telecommunications cease to be effective on the effective date of this Law.

Article 63. Implementation detailing and guidance

The Government shall detail and guide the implementation of this Law's articles and clauses assigned to it, and guide other necessary contents of this Law to meet state management requirements.

This Law was passed on November 23, 2009, by the 12th National Assembly of the Socialist Republic of Vietnam at its 6th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)
Nguyen Phu Trong