

**THE GOVERNMENT**  
**No. 55/2001/ND - CP**

**THE SOCIALIST REPUBLIC OF VIETNAM**  
Independence - Freedom - Happiness  
*Hanoi, August 23, 2001*

**Decree on the management, provision and use  
of the Internet services**

**THE GOVERNMENT**

Personate to the Law on Governmental Organization dated September 30, 1992; At the proposal of the Secretary General of the Department General of Posts and Telecommunications (DGPT);

**DECREES:**

***Chapter I***

**General Provisions**

**Article 1.**

1. This decree adjusts the management, provision and use of Internet services in Vietnam. All domestic organization and individuals and foreign organizations and individuals involved in Internet activities in Vietnam must abide by this decree.

2. In cases, where international conventions related to the Internet, which Vietnam is a signatory to or takes part in provided regulations other than those stated in this decree, regulation of these International conventions will be applied.

**Article 2.**

1 The Internet is an information system inter- connected by the Internet protocol (IP) and use in globally uniform system of addresses to provide different services and applications to users.

2 In Vietnam, the Internet is an important component of the national information infrastructure, which is to be protected in accordance with the laws of Vietnam and cannot be violated by anybody. To protect the safety and security of equipment systems and information on the Internet is the responsibility of all State agencies, organizations and individuals.

**Article 3.** Internet development in Vietnam will be carried out on the following principles:

1 The management capacity must be in line with development requirements, while at the same time consistent measure must be taken to

prevent abuse of the Internet to affect the national security and break national virtues and traditional good customs. 2 The Internet should be developed fully with all high - quality services provided at reasonable charges to meet with requirement of the national cause of industrialization and modernization.

**Article 4.** Scientific, research, education, training, healthcare, software development institutions and organizations, and Party and State agencies will be prioritized in terms of the allocation of investment capital and application of financial support mechanisms regarding the provisions and use of Internet services.

**Article 5.** Incentive policies will be applied to encourage the provision of information in Vietnamese, particularly information related to the Party directions and policies, as well as State laws on the Internet. Organizations and individuals will also enjoy favorable conditions in introducing their products and the services on the Internet.

**Article 6.**

1. Information to be stored, upload to and download from the Internet must abide by relevant regulation of the Press Law, the Publication Law, the Ordinance on the protection of State Secrets and other legal regulation on intellectual property rights and management of information on the Internet.

2. All organization and individuals that provide and use Internet services are responsible for the contents of the information they store or upload to the Internet.

**Article 7.**

1. State management agencies, units and enterprises providing Internet services are responsible for strengthening the access to education, propaganda and guidance for Internet service users regarding the retrieval and use of information on the Internet in line with the laws, while at the same time preventing violations forbidden in Article 11 of this decree.

2. All organization and individuals using the Internet have to abide by the laws related to the Internet so as to use the Internet most effectively and healthily.

**Article 8.** The secrecy of private information on the Internet of organization and individuals is protected in accordance with the Constitution and the laws of Vietnam. The supervision of information on the Internet must be enforced by competent State agencies in accordance with the laws.

**Article 9.** Nobody can prevent others from the right to legal use of Internet services. Units and enterprises providing Internet services have the right to refuse providing the services to organization and individual users if the latter violate the laws on the Internet.

**Article 10.** The coding and encoding of information on the Internet must abide by regulations on encryption.

**Article 11.** The following deeds are strictly forbidden:

1. Disturbing, destroying equipment systems, preventing the provision and use of Internet services.
2. Stealing and illegally using passwords, code, keys and private information on the Internet of organizations and individuals.
3. Taking advantage of the Internet to fight against to the Socialist Republic of Vietnam; causing chaos and security disorder; degrading national virtues and traditional good customs; and committing other violations of the laws.

## ***Chapter II***

### **Establishment of equipment systems provision and use of Internet services**

**Article 12:** Internet services cover Internet dialing, Internet connection and Internet application services.

1. Internet dialing service is the one that enables users to get access to the Internet.
2. Internet connection service is the one that enables units and enterprises providing Internet services to connect to one another and to the international Internet.
3. Internet application service is the utilization of the internet to provide users with applications or services including: posts, telecommunications, information, culture, commerce, banking, finance, healthcare, education, training, technical support and other services on the internet.

Internet information service is one kind of Internet application services including newspaper distribution service (broadcasting, television and e- newspapers), distribution of publications on the Internet, and provision of other of e-information news on the Internet.

**Article 13 :** Enterprises providing Internet services consist of:

1. Enterprises providing Internet dialing service (Internet service providers or ISPs ) are enterprises belonging to all economic sectors that are licensed by the Department General of Posts and Telecommunications (DGPT) to this decree and other DCPT regulations on the management of Internet dialing service.
2. Enterprises providing Internet connection service (Internet exchange service providers or IXPs) are State - owned enterprises or joint-stock companies whose controlling or special stocks are owned by the State that are licensed by DGPT to provide Internet connection service. IXPs must

abide by regulations of this decree and other DGPT regulations on the management of Internet connection service.

3. Enterprises providing Internet application services (On-line service providers or OSPs) are enterprises that use Internet to provide Internet application services to users. OSPs must abide by regulations of this decree as well as other legal regulations on specialized State management.

**Article 14 :** Units providing information service on the Internet (Internet content providers or ICPs) are agencies, organizations and enterprises that are licensed by the Ministry of Culture and Information (MoCI) to provide Internet information service. ICPs must abide by regulations of this decree as well as other regulations of MoCI on newspaper distribution and distribution of publications on the Internet, regulations on the establishment and provision of all types of e-news on the Internet.

**Article 15:** Units providing private Internet dialing service (private ISPs) are agencies, organizations and enterprises that are licensed by DGPT to provide private Internet dialing service as long as the following criteria are met:

1. Their purpose is not to make a profit from the Internet dialing service.

2. Their Internet service users are members of two or more agencies, organizations and enterprises having the same activity characteristics or working purposes, and are linked to one another by working charters, documents stating the general organizational structure, alliance or joint activities among members.

3. They abide by regulations of this decree and other DGPT regulations on Internet dialing and connection service management.

**Article 16:** Apart from abiding by regulations of this decree, foreign-invested enterprises wishing to provide Internet services in Vietnam must also abide by regulations of international conventions which Vietnam is a signatory to or takes part in, as well as legal regulations on foreign investment in Vietnam.

**Article 17:** Based on the Internet development strategy planning of Vietnam, DGPT will set regulations on the procedures and conditions for licensing ISPs and IXPs; MoCI will set regulations on the procedures and conditions for licensing ICPs; and other ministries and branches will set regulations on the conditions for licensing OSPs according to their specialized fields of State management. **Article 18:** After having been licensed to provide Internet services in accordance with the laws, enterprises providing Internet services shall:

1. Be allowed to set up their equipment systems at their facilities and public service points to provide all Internet services to domestic and overseas Internet service users according to the granted licenses, business or operation conditions, except for services included in the list of Internet services that are forbidden or yet to be provided laws, overseas Internet service users must be made in line with the laws of Vietnam and the laws of the country where the service users reside.

2. Be allowed to let other agencies, organizations and enterprises rent their equipment systems to provide Internet application and Internet content services, and to let service users rent their equipment systems to provide e - news on the Internet in accordance with regulations on the management of service and information on the Internet.

3. Be responsible for applying creating conditions for State management agencies to apply technical and professional measures to ensure the safety for equipment systems and information on the Internet.

**Article 19:**

1. Press agencies and publishing houses having been granted operation licenses according to relevant regulations are allowed to set up equipment systems at their facilities to directly distribute or assign ICPs to distribute their newspapers and publications on the Internet.

2. In distributing newspapers and publications on the Internet, press, agencies, publishing houses and ICPs, apart from abiding by regulations on the management, provision and use of Internet services, will also have to observe other legal regulations on press and publication management.

**Article 20:**

1. Internet agents are Vietnam - based organizations and individuals who, on behalf of ISPs and PSPs, provide Internet dialing and Internet application services to users via agent contracts to enjoy commission.

2. Internet agents are responsible for:

a. Providing the services to users according to regulations on the type, quality, rate and charge of service as committed in the contract signed with enterprises providing Internet services.

b. Abiding by regulations on Internet service management of State management agencies.

**Article 21:**

1. Internet service users being Vietnam - based organizations and individuals can use Internet services of units and enterprises providing Internet services on a contractual basis.

2. The contract can be in written form, spoken or other concrete deeds in accordance with the laws. Regarding those types of Internet service

provision and use contracts that are required by the law to be made in written form, such legal regulations must be observed. The contents of the contracts must also be in line with the laws on contracts.

**Article 22:** Internet service users are:

1. Allowed to use mobile Internet access equipment or set up equipment systems by their own at locations they have full rights to use in accordance with the law in order to get access to domestic ISPs by direct connection through the transmission channel or by dialing via the telecommunications network, but not to get access to overseas Internet service providing units or enterprises by international direct dial (IDD) method.

2. Allowed to avail themselves of all Internet application services of domestic and overseas OSPs, except for those forbidden or yet to be used.

3. Allowed to form all types of e - news on their equipment systems or on equipment systems of domestic and overseas units and enterprises providing Internet services to introduce and advertise their agencies, organizations, individuals, products and services in accordance with regulations on the management of e - news on the Internet, and are liable for these information.

4. Responsible for the protection of their passwords, code keys and equipment systems.

5. Not allowed to re - sell Internet services to others as a business.

**Article 23:** Internet resources including systems of names and numbers used for the Internet are consistently defined globally. In Vietnam, Internet resources are part of the national information resources that need to be managed, planned and used effectively.

**Article 24:** The State applies suitable management policies to enable ISPs and IXPs to step by step reduce the rate and charge of Internet access and connection services to the level equal to or lower than the average in the region so that to quickly popularize the Internet in Vietnam and further enhance the competitive edge of Vietnamese enterprises in the process of international economic integration.

**Article 25:** Organizations and individuals manufacturing and importing equipment systems, providing Internet services, and using Internet resources are responsible for paying tax, fees and charges in accordance with the laws. Tax incentives are applied in line with relevant regulations.

**Article 26:** To ensure service users' rights, enterprises providing Internet services must:

1. Register and publicly announce their service quality norms according to State regulations on service quality management.

2. Provide the services to users to the registered and announced quality standards.

3. Report to, and be supervised and inspected by State management agencies in terms of service quality as regulated.

**Article 27:** Internet connection will be implemented on the following principles:

1. The establishment and use of telecommunications transmission channels connecting equipment systems of units and enterprises providing Internet services together and to the public telecommunications network must be made in line with regulations on telecommunications.

2. IXPs are connected to one another and to the international Internet.

3. ISPs are connected to one another and to IXPs.

4. Private ISPs are connected to other ISPs and IXPs, but are not allowed to directly connect to one another.

5. OSPs and ICPs are connected to ISPs and IXPs.

6. Internet agents are connected to Internet service providing enterprises with which they sign agent contracts.

### ***Chapter III***

#### **State management on the Internet**

**Article 28:** Contents of the State management of the Internet consist of:

1. Outlining Internet development policies, strategies and planning.

2. Compiling and issuing legal documents and regulations on the management and establishment of equipment systems, and the provision and use of the Internet.

3. Managing the licensing of Internet activities.

4. Managing technical standards and quality of Internet services.

5. Managing the rates and charges of Internet services.

6. Managing science and technology activities related to Internet.

7. Managing information on the Internet.

8. Managing the safety and security of Internet activities.

9. Managing the coding and encoding of information on the Internet.

10. Managing Internet resources.

11. Supervising and inspecting, settling disputes and dealing with violations in the field of Internet.

12. International co - operation in the field of Internet.

#### **Article 29:**

1. The Government performs consistent State management of the Internet in the entire country. Ministries, ministerial - level bodies, agencies under the Government and the People's Committees of centrally - run cities

and provinces perform the State management of the Internet as assigned by the Government in this decree.

2. The Government assigns DGPT to perform the function of regulating and coordinating with ministries, ministerial - level bodies, agencies under the Government and the People's Committees of centrally - run cities and provinces in terms of State management of the Internet, and act as the connection in international activities related to Internet.

**Article 30:** DGPT performs the State management over the establishment of equipment systems, the provision and use of the Internet dialing and connection services, including:

1. Outlining Internet development policies, strategies and planning.
2. Issuing and providing guidance for the implementation of regulations on the licensing and management of Internet dialing and connection services.
3. Planning, managing and allocating Internet resources.
4. Acting as the connector and working with the Governmental Encryption Department to manage the authentication system on the Internet.

**Article 31:** The Ministry of Science, Technology and Environment (MOSTE) performs the State management over application and development research of advanced technologies in Internet activities.

**Article 32:** MOCI performs the State management of information on the Internet, including:

1. Issuing and providing guidance for the implementation of regulations on managing information of the Internet.
2. Issuing and providing guidance for the implementation of regulations on the licensing and management of newspaper and publication distribution on the Internet; and regulations on the management of the establishment and provision of all types of e-news on the Internet.

**Article 33:** The Ministry of Public Security (MOPS) performs the State management of Internet activity security insurance, including:

1. Applying professional measures to ensure the national security regarding Internet activities.
2. Outlining and carrying out the application of technical measures to manage the security on information on the Internet in accordance with the laws while still ensuring the quality of Internet services.

**Article 34:** The Ministry of Finance (MoF) has the responsibility to act as the connector and work with other related ministries and branches to outline and submit to the Prime Minister for approval of the financial support mechanism applied to the provision and use of Internet dialing and



connection services of prioritized entities regulated in Article 4 of this decree.

**Article 35:** The Governmental Encryption Department performs the State management of the coding and encoding of information on Internet, including:

1. Studying and outlining national policies and standards for codes on the Internet.

2. Issuing and providing guidance for the implementation of regulations on the provision and use of information coding and encoding on the Internet.

**Article 36:** Ministries, ministerial - level bodies and agencies under the Government perform the State management of Internet application services in their specialized fields of management, including:

1. Issuing and providing guidance of the implementation of regulations on the management of the provision and of Internet application services.

2. Issuing and publicly announcing the list of Internet application services that are forbidden or yet to be allowed to be provided and used on the Internet.

**Article 37:** The People's Committees of centrally- run cities and provinces are to work with Ministries, ministerial - level bodies and agencies under the Government to perform the State management of the Internet in their respective cities and provinces in accordance with regulations of this decree.

#### ***Chapter IV***

#### **Complaints, inspection, examination and violation penalty**

**Article 38:** Complaints related to administrative decisions and administrative deeds regarding Internet activities, and the denouncement of violations related to Internet activities to competent State agencies should be carried out in accordance with regulations of the Law on Complaints and Denouncements dated December 2, 1998.

**Article 39:** Complaints and settlements of professional complaints related to the provision and use of Internet services should be carried out in accordance with regulations of State agencies managing the Internet as provided in Chapter III of this decree.

#### **Article 40:**

1. Based on the contents of the State management provided in Chapter III of this decree, State management agencies have the responsibility to organize and guide inspection and examination activities so that to correct, prevent and timely deal with violations in the field of Internet.

2. Enterprises providing Internet services, units providing private Internet dialing services, units providing Internet information services, Internet agents and Internet service under the inspection and examination of competent State agencies in accordance with the laws.

**Article 41:** Administrative violations in the field of Internet, forms and levels of the due penalties are regulated as follows.

1. Warnings and fines of VND 50.000 - 200.000 will be applied to those who do not settle necessary procedures to get the Internet service provision license re-granted once the granted license has been lost or damaged.

2. Fines of VND 200.000 - 1.000.000 will be applied to each of the following violations:

a. Using others' private passwords, code keys or information to illegally get access to and use Internet services.

b. Using software tools to illegally get access to and use Internet services.

3. Fines of VND 1.000.000 - 5.000.000 will be applied to each of the following violations:

a. Violation of State regulations on Internet service standards and quality in using Internet service.

b. Violation of State regulations on Internet service rates and charges in using Internet services.

c. Violation of State regulations on the management of Internet resources in using Internet services.

d. Violation of State regulations on the management of Internet dialing and connection in using Internet services.

e. Violation of State regulations on the coding and encoding of information on the Internet in using Internet services.

f. Violation of State regulations on the safety and security of information on the Internet in using Internet services.

4. Fines of VND 5.000.000 - 1.000.000 will be applied to each of the following violations:

a. Stopping or temporarily ceasing to provide Internet services without informing Internet service users beforehand, except in case force majeure.

b. Deliberately altering the content of the granted Internet service provision license.

c. Using Internet service provision licenses when these already expire.

5. Fines of VND 10.000.000- 20.000.000 will be applied to each of the following violations:

a. Violation of State regulations on Internet service standards and quality in using Internet service.

b. Violation of State regulations on Internet service rates and charges in using Internet services.

c. Violation of State regulations on the management of Internet and resources in using Internet services.

d. Violation of State regulations on the management of Internet dialing and connection in using Internet services.

e. Violation of State regulations on the coding and encoding of information on the Internet in using Internet services.

f. Violation of State regulations on the safety and security of information on the Internet in using Internet services.

g. Using the Internet for the purpose of threatening, disturbing of offending others' honor or dignity, but not to the level of seriousness as to apply criminal penalties.

h. Loading onto the Internet or taking advantage of the Internet to spread pornographic information of images, or other information violating legal regulations on the contents of information on the Internet, but not to the level of seriousness as to apply criminal penalties.

i. Stealing private passwords, code keys and information of organizations and individuals, and revealing these for others to use.

j. Violating regulations on the operation, exploitation and use of computers thus causing activity disorder or blocking, or deforming and destroying data on the Internet, but not to the level of seriousness as to apply criminal penalties.

6. Fines of VND 20,000,000 - 50,000,000 will be applied to each of the following violations:

a. Establishing equipment systems and providing Internet services not to the provisions of the granted licenses.

b. Creating and deliberately spreading and distributing virus programs on the Internet, but not to the level of seriousness as to apply criminal penalties.

7. Fines of VND 50,000,000 - 70,000,000 will be applied to unlicensed establishment of equipment systems and provision of Internet services.

8. Apart from administrative penalties, depending on the nature and level of seriousness of the violations, the violating organizations and individuals can also be subject to one or more of the following supplementary penalties or measures to recover the aftermath of the violations:

a. Temporary suspending or suspending the provision and use of Internet services regarding violations listed in item 2a, 2b, 3, 5 and 6b in Article 41.

b. Revoking the right to use the license for a limited or unlimited period of time regarding violations listed in items 4b and 6a in Article 41.

c. Confiscating evidence and means used to commit administrative violations regarding violations listed in items 4b, 6a and 7 in Article 41.

d. Having to recover the initial state changed due to the administrative violations regarding violations listed in items 5j and 6b in Article 41.

**Article 42.** Specialized inspectors and the People's Committees at all levels will enforce penalties for administrative violations regarding administrative violations in the field of Internet according to their State management functions and penalty competence as regulated in Administrative Violation Penalty Ordinance.

**Article 43.** Principles of penalty, periods of penalty, penalty procedures, attenuating circumstances, aggravating circumstances, statute of limitations and time limits at which penalty is deemed not to be imposed applied to administrative violations in the field of Internet will apply the Administrative Violation Penalty Ordinance.

**Article 44.** Organizations and individuals causing losses to others in the process of providing and using Internet services must compensate the latter in accordance with the law.

**Article 45.** Those who take advantage of the Internet to fight against the Socialist Republic of Vietnam, cause chaos or security disorder; and other serious violations that show signs of crimes will be subject to criminal penalties in accordance with the law.

### ***Chapter V***

#### **Implementation provisions**

**Article 46.** This decree takes effect 15 days after its signing, and replaces Decree 21/CP dated March 5, 1997 of the Government which provided Temporary regulations on the management, establishment and use of the Internet in Vietnam. Items 3c and 4c in Article 11 of Decree 79/CP dated June 19, 1997 of the Government regulating the penalties applied to administrative violations in the field of State management over posts, telecommunications and radio frequencies are hereby annulled.

**Article 47.** DGPT will chair in the co-operation with other Ministries, ministerial-level bodies, agencies under the Government, and the People's Committees of centrally-run cities and provinces to provide guidance for and supervise the implementation of this decree.

**Article 48.** Ministers, heads of ministerial-level bodies, heads of agencies under the Government and chairmen of centrally run cities and provinces are due to implement this decree.

**On behalf of the Government**  
**Prime Minister**  
*(Signed)*  
**Phan Van Khai**