

THE PRESIDENT

Order No. 19/2009/L-CTN of December 4, 2009, on the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law on Radio Frequencies,

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

President of the Socialist Republic of Vietnam
NGUYEN MINH TRIET

Law on Radio Frequencies

(No. 42/2009/QH12)

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 Radio Frequencies.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for the management and use of radio frequencies, radio equipment and satellite orbits and management of safety of radio radiation and electromagnetic compatibility (below collectively referred to as management and use of radio frequencies); rights and obligations of organizations and individuals involved in the management and use of radio frequencies.

Article 2. Subjects of application

This Law applies to organizations and individuals involved in the management and use of radio frequencies in Vietnam.

Article 3. Interpretation of terms

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

1. *Radio frequency* means a frequency of radio waves.

Radio waves means electromagnetic waves with a frequency below 3,000 gigahertz (GHz) which freely travel in space without artificial guide.

2. *Radio frequency spectrum* means the whole range of radio frequencies.

3. *Radio frequency band* (below referred to as frequency band) means a range of radio frequencies limited by two given frequencies.

4. *Radio frequency channel* (below referred to as frequency channel) means a range of radio frequencies identified by its bandwidth and central frequency or other particular parameters.

5. *Radiocommunication* means the transmission, emission or reception of signs, signals, data, writing, images, sounds or information in other forms by radio waves.

6. *Radiocommunication service* means the transmission, emission and/or reception of radio waves for a specific radiocommunication purpose, including fixed, mobile, broadcasting, aeronautical or maritime, navigation, location, satellite, standard broadcasting, amateur and other radio services. Radio services are divided into primary services and secondary services.

Primary service means a service prioritized for use under the national plan on radio frequency spectrum.

Secondary service means a service not prioritized for use under the national plan on radio frequency spectrum.

7. *Radio station* means a radio equipment or an assembly of radio equipment, including also the accessory equipment, for providing a radiocommunication service. A radio station is classified by the service it operates permanently or temporarily.

8. *Radio radiation* means energy generated from any source in the form of radio waves.

9. *Radio emission* means radiation by a radio transmitting station.

10. *Radio equipment* means an equipment for receiving, transmitting or receiving-transmitting signs, signals, data, writing, images, sounds or information in other forms by radio waves.

11. *Radio-wave appliance* means an equipment other than radio equipment, which generates and uses radio wave energy in a given area to serve industrial, scientific, medical and domestic applications or for similar purposes.

12. *Satellite orbit* means the path of movement of a satellite in space.

13. *Harmful interference* means the harmful effect of electromagnetic energy caused by radio emission, radiation or induction which harms or obstructs or interrupts the lawful operation of radio equipment or equipment systems.

14. *Electromagnetic compatibility* means the ability of a radio, electric or electronic equipment or an equipment system to normally operate in an electromagnetic environment without causing interference to other equipment or equipment systems.

15. *Allocation of a radio frequency* means the designation of a given frequency band or channel for its use by one or more organizations and individuals under specified conditions for a radiocommunication service.

16. *Assignment of a radio frequency* means the identification and licensing of an organization or individual to use a radio frequency or radio frequency channel under specified conditions for a radio station.

17. *Inspection of a radio frequency* means the consideration of the actual use of a radio frequency, radio equipment, a radio frequency use license or radio operator certificate; the measurement of technical parameters of a radio station; the identification of causes of harmful interference for assessment and appraisal of observance of the law on radio frequencies.

18. *Monitoring of a radio frequency* means the monitoring and supervision by technical devices of the radio wave-transmitting activities.

Article 4. State policies on radio frequencies

1. To prioritize the development of human resources, physical and technical foundations to assure the effective management and use of radio frequencies.

2. To intensify international cooperation in the domain of radio frequencies to protect the State's interests and the national sovereignty over radio frequencies and satellite orbits.

3. To prioritize the use of radio frequencies in remote, deep-lying and border areas and islands, and areas with particularly difficult socio-

economic conditions, and for national defense, security and natural disaster and epidemic prevention and combat.

4. To prioritize and encourage the research, development and application of technologies for efficiently using the radio frequency spectrum.

5. To encourage and support organizations to take part in registering satellite orbit locations.

Article 5. Responsibilities for state management of radio frequencies

1. The Government shall perform the unified state management of radio frequencies.

2. The Ministry of Information and Communications is answerable to the Government for performing the unified state management of radio frequencies, having the following tasks and powers:

a/ To promulgate or propose competent state agencies to promulgate and organize the implementation of legal documents on radio frequencies; to promulgate national technical regulations on radio equipment, radio emission, electromagnetic compatibility and radio radiation safety;

b/ To approve or submit to competent state agencies for approval and organize the implementation of, the planning on the radio frequency spectrum; to allocate frequency bands for national defense and security purposes; to specify conditions for the allocation, assignment and use of radio frequencies;

c/ To grant, modify, supplement, extend or revoke radio frequency use licenses; to manage the fee for the grant of radio frequency use licenses and the charge for the use of radio frequencies under the law on charges and fees;

d/ To organize radio frequency and satellite orbit coordination with other countries, territories and international organizations; to register radio frequencies and satellite orbits with international organizations;

e/ To inspect and monitor radio frequencies and handle harmful interference;

f/ To inspect and handle complaints, denunciations and handle violations of the law on radio frequencies;

g/ To undertake international cooperation in the domain of radio frequencies;

h/ To train, retrain, provide professional guidance and grant radio operator certificates to radio operators;

i/ To conduct propaganda about and dissemination of the law on radio frequencies.

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 radio frequencies.

4. People's Committees at all levels shall, within the ambit of their tasks and powers, perform the state management of radio frequencies in their localities.

Article 6. The specialized management agency in charge of radio frequencies

The specialized management agency in charge of radio frequencies is an agency under the Ministry of Information and Communications and responsible for assisting the Minister of Information and Communications in performing a number of tasks of state management of radio frequencies assigned and decentralized by competent state agencies.

Article 7. Specialized inspection of radio frequencies

The Ministry of Information and Communications shall perform specialized inspection of radio frequencies and organize the structure of the specialized inspectorate under the law on inspection.

Article 8. International cooperation on radio frequencies

1. International cooperation on radio frequencies shall be undertaken on the principles of respect for independence and sovereignty, equality and mutual benefits.

2. Activities of international cooperation on radio frequencies include:

a/ Conclusion of treaties and international agreements on radio frequencies;

b/ International registration and coordination of radio frequencies and satellite orbits;

c/ Exchange of information and experience on radio frequencies in order to raise the effectiveness of the management and use of Vietnam's radio frequencies and conform with the world's development trend;

d/ Establishment and development of cooperation relationships in the management and use of radio frequencies with other countries and territories; training and development of human resources; formulation and implementation of international programs and projects on radio frequencies.

3. The Ministry of Foreign Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Information and Communications in, specifically guiding the order and procedures for the conclusion of international agreements on radio frequencies.

Article 9. Prohibited acts

1. Using radio frequencies and equipment against the State of the Socialist Republic of Vietnam or to the detriment of national defense, security, social order and safety; or causing damage to the interests of the State and legitimate rights and interests of organizations and individuals.
2. Using radio frequencies exclusively reserved for emergency, safety, search, rescue, salvage, national defense and security for other purposes.
3. Obstructing agencies, organizations and persons on duty in performing their tasks of inspecting and monitoring radio frequencies and satellite orbits.
4. Intentionally causing harmful interference to and unlawfully obstructing the operation of radiocommunication systems.
5. Sabotaging radio technical infrastructure facilities; unlawfully obstructing the lawful building of radio technical infrastructure facilities.
6. Abusing one's position and powers to commit violations of the law on radio frequencies.

Chapter II

RADIO FREQUENCY PLANNING

Article 10. Principles of elaboration and approval of radio frequency master plans

1. Being compliant with Vietnam's laws and treaties to which the Socialist Republic of Vietnam is a contracting party, and international law and practices.
2. Being in line with the socio-economic development strategy, planning and plans in each period; ensuring harmony between the needs for using radio frequencies for socio-economic development, national defense and security.
3. Being conformable with the trend of development of radiocommunication services in the world and concurrently taking into account the practical use of radio frequencies in Vietnam.
4. Assuring the rational, effective and economical management and use of radio frequencies for proper purposes.

5. Applying new and modern technologies for efficiently using the radio frequency spectrum.
6. Being conformable with the trend of radio technology and service convergence.
7. Being in line with the national planning on telecommunications development with regard to frequency bands used in telecommunications activities.

Article 11. Types of radio frequency master plans; competence to approve and implement radio frequency master plans

1. Radio frequency master plans include:

a/ National plan on the radio frequency spectrum, which is a master plan on the division of the radio frequency spectrum into frequency bands reserved for different radiocommunication services, prescribing use purposes and conditions for each frequency band;

b/ Master plan on frequency bands, which is a master plan on the allocation of one or more frequency bands for a radiocommunication service or radiocommunication system, prescribing specific use principles and conditions for such frequency band(s);

c/ Master plan on division of frequency channels, which is a master plan on the division of frequency bands into frequency channels for a specified communication service according to certain standards, prescribing use conditions for such frequency channels;

d/ Master plan on the use of frequency channels, which is a master plan on the arrangement and conditions for using frequency channels in a system for a specified radiocommunication service.

2. Competence to approve and implement radio frequency master plans is provided for as follows:

a/ The Minister of Information and Communications shall formulate and submit to the Prime Minister for approval the national plan on the radio frequency spectrum;

b/ The Minister of Information and Communications shall approve master plans on frequency bands, the division of frequency channels or use of frequency channels based on the national plan on the radio frequency spectrum;

c/ The Minister of Information and Communications shall assume the prime responsibility for, and coordinate with competent agencies in, appraising the conformity of development master plans and plans of sectors using radio frequencies with radio frequency master plans.

3. The manufacture and import of radio equipment and radio-wave appliances for use in Vietnam and the management and use of radio frequencies must comply with radio frequency master plans and law.

Article 12. Withdrawal of the right to use a radio frequency for the implementation of master plans

1. Withdrawal of the right to use a radio frequency for the implementation of a master plan means the withdrawal by a competent state agency, of the whole or part of the right to use a frequency band or channel already granted to an organization or individual when its/his/her radio frequency use license is still valid, for changing the use purpose or users.

2. The withdrawal of the right to use a radio frequency shall be made in the following cases:

a/ The radio frequency will be used for national defense or security purpose or for national interests;

b/ The use purpose and eligible users of the radio frequency are no longer in line with the radio frequency master plan.

3. The Ministry of Information and Communications shall publicly announce the radio frequency master plan, time of and plans on change of radio frequencies and equipment for the implementation of the master plan, and notify such to organizations and individuals whose right to use a radio frequency is withdrawn.

4. Organizations and individuals whose right to use a radio frequency is withdrawn shall stop using such radio frequency under withdrawal decisions of the specialized management agency in charge of radio frequencies.

5. Organizations and individuals whose right to use a radio frequency is withdrawn under Clause 2 of this Article will be compensated under law.

Chapter III

MANAGEMENT OF RADIO EMISSION QUALITY, RADIO RADIATION SAFETY AND ELECTROMAGNETIC COMPATIBILITY

Article 13. Management of radio emission quality

1. Organizations and individuals that manufacture or import radio equipment on the list of radio equipment which are likely to cause harmful interference shall conduct certification and announcement of regulation conformity and affix regulation conformity stamps to such equipment before marketing or using them.

2. The Minister of Information and Communications shall promulgate the list of radio equipment which are likely to cause harmful interference and require regulation conformity certification, announcement and stamps.

3. The Ministry of Science and Technology shall appraise and publicize national standards of radio emission after reaching agreement with the Ministry of Information and Communications.

4. The mutual recognition of results of assessment of conformity with standards and technical regulations on radio emission between Vietnam and other countries and territories shall be made in accordance with treaties to which the Socialist Republic of Vietnam is a contracting party; the mutual recognition between Vietnam's conformity assessment organization and conformity assessment organizations of other countries and territories shall be effected in accordance with their agreements.

Article 14. Management of radio radiation safety

1. Assurance of radio radiation safety means taking measures to prevent, combat or minimize harmful effects of radio radiation of radio stations, radio equipment and radio-wave appliances on humans and the environment.

2. Users of radio stations, radio equipment and radio-wave appliances shall comply with the law on assurance of radio radiation safety.

3. Manufacturers or importers of radio equipment and radio-wave appliances on the list of those likely to produce unsafe radio radiation shall conduct regulation conformity certification and announcement and affix regulation conformity stamps to such equipment before marketing or using such them.

4. Before putting radio stations on the list of those subject to compulsory inspection of radio radiation safety into operation, organizations and individuals shall inspect these stations.

5. The Minister of Information and Communications shall promulgate a list of radio equipment and radio-wave appliances likely to produce unsafe radio radiation and requiring regulation conformity certification and announcement and use of regulation conformity stamps; the list of radio stations subject to compulsory inspection of radio radiation safety; prescribe inspection procedures and publicly announce a list of organizations qualified for inspecting radio radiation safety of radio stations.

Article 15. Management of electromagnetic compatibility

1. Users of electric or electronic equipment producing radio radiation shall comply with regulations on management of electromagnetic compatibility.
2. Manufacturers or importers of electric or electronic equipment producing radio radiation on the list of those likely to become unsafe due to electromagnetic incompatibility as specified in Clauses 3 and 4 of this Article shall conduct regulation conformity certification and announcement and affix regulation conformity stamps to such equipment before marketing or using such them.
3. The Minister of Information and Communications shall promulgate a list of radio equipment, telecommunications equipment, information technology equipment and radio-wave appliances likely to become unsafe due to electromagnetic incompatibility.
4. After reaching agreement with the Ministry of Information and Communications, the Minister of Information and Communications shall promulgate a list of electric or electronic equipment producing radio radiation and likely to become unsafe due to electromagnetic incompatibility, except those on the list specified in Clause 3 of this Article; and announce national standards on electromagnetic compatibility for electric and electronic equipment producing radio radiation.
5. The mutual recognition of results of assessment of conformity with standards and technical regulations on electromagnetic compatibility between Vietnam and other countries and territories shall be effected in accordance with treaties to which the Socialist Republic of Vietnam is a contracting party; the mutual recognition between Vietnam's conformity assessment organization and conformity assessment organizations of other countries and territories shall be effected in accordance with their agreements.

Chapter IV

LICENSING AND USE OF RADIO FREQUENCIES

Article 16. Radio frequency use licenses

1. Organizations and individuals that wish to use radio frequencies and equipments shall obtain relevant radio frequency use licenses, except in the cases specified in Article 27 of this Law.

Radio frequency use licenses include Radio frequency and equipment use license, Frequency band use license and Frequency and satellite orbit use license.

2. Validity durations of radio frequency use licenses are prescribed as follows:

a/ A radio frequency and equipment use license will be valid for maximum 10 years and granted for organizations and individuals to use radio frequencies and equipments under specified conditions;

b/ A frequency band use license will be valid for maximum 15 years and granted for organizations to use given frequency bands or channels under specified conditions;

c/ A frequency and satellite orbit use license will be valid for maximum 20 years and granted for organizations to operate radio stations on satellites at specified satellite orbit locations or to use given frequency bands under specified conditions.

3. Radio frequency use licenses granted to organizations and individuals will have specific validity durations as requested by these organizations and individuals, which do not exceed the maximum validity duration of each kind of license specified in Clause 2 of this Article and must be in line with the radio frequency master plan.

4. The Minister of Information and Communications shall specify procedures for granting, modifying, supplementing, extending and revoking radio frequency use licenses.

Article 17. Licensing principles

1. Publicity, transparency and lawfulness.

2. Compliance with the radio frequency master plan.

3. Satisfaction of radio technology and service convergence requirements.

4. Assurance of feasibility, rationality, efficiency, thrift and proper purposes; protection of lawful rights and interests of radio service users.

5. Primary services are prioritized over secondary services.

6. Satisfaction of the needs for using radio frequencies for public interests and performing the State's public-utility tasks.

7. The grant of radio frequency use licenses to Vietnam-based foreign diplomatic missions and consular offices and representative offices of international organizations, and high-ranking foreign delegations visiting Vietnam that enjoy diplomatic privileges and immunities must comply with this Law, treaties to which the Socialist Republic of Vietnam is a contracting party, and international law and practices.

Article 18. Licensing methods

1. Licensing methods are prescribed as follows:

a/ Direct licensing shall be conducted on the basis of consideration of license application dossiers;

b/ Licensing through examinations to select entities eligible for the right to use radio frequency shall be conducted on the basis of appraisal of their dossiers according to basic criteria of financial, investment, professional technical and business capabilities and human resources;

c/ Licensing through auction of the right to use the radio frequency shall be conducted on the basis of appraisal of bid dossiers according to certain criteria and bids offered.

2. Direct licensing shall be applied to radio frequencies to be used for the State's public-utility tasks or of low commercial value or the demands for which do not exceed the radio frequency allocation capacity indicated in the radio frequency master plan, and on the first come first served principle.

3. Licensing through auction or examination to select entities eligible for the right to use the radio frequency is specified as follows:

a/ It shall be applied to frequency bands or channels of high commercial value and the demands for which exceed the allocation capacity indicated in the radio frequency master plan;

b/ Participants in auctions or examination to select entities eligible for the right to use the frequency band or channel are organizations eligible for the grant of a telecommunications network establishment license under the law on telecommunications;

c/ The Prime Minister shall detail the auction of the right to use a radio frequency; decide on frequency bands or channels to be auctioned or subject to examination to select entities eligible for the right to use a radio frequency in each period and in line with the radio frequency master plan. The Minister of Information and Communications shall detail the examination to select entities eligible for the right to use a radio frequency.

Article 19. Grant of radio frequency and equipment use licenses

1. Entities to be licensed include:

a/ Vietnamese organizations and citizens and foreign organizations that lawfully operate in Vietnam;

b/ Foreigners who use amateur radio stations or radio frequencies for other purposes under regulations of the Minister of Information and Communications.

2. Conditions on licensees:

a/ Using the radio frequency and equipments for purposes and radiocommunication services not banned by law;

- b/ Possessing a telecommunications license under the law on telecommunications, for organizations applying for a radio frequency use license to establish a telecommunications network or radio or television broadcasting network;
- c/ Possessing a press activity license or being permitted to rebroadcast radio or television programs under law;
- d/ Having a feasible radio frequency use plan in line with the radio frequency master plan;
- e/ Having radio equipment conformable with technical regulations on radio emission, radio radiation safety and electromagnetic compatibility;
- f/ Having committed to comply with regulations on assurance of information safety and security; inspect and handle harmful interference and assure radio radiation safety;
- g/ Possessing a radio operator certificate, for those falling in the case specified in Clause 1, Article 32 of this Law.

3. The Ministry of Information and Communications shall assume the prime responsibility for, and coordinate with concerned ministries and ministerial-level agencies in, specifically guiding the grant of radio frequency and equipment use licenses to Vietnam-based foreign diplomatic missions and consular offices and representative offices of international organizations, and high-ranking foreign delegations visiting Vietnam that enjoy diplomatic privileges and immunities.

Article 20. Grant of frequency band use licenses

1. Entities to be licensed are organizations lawfully operating in Vietnam.
2. Conditions on licensees are specified as follows:
 - a/ Meeting all the conditions specified at Points a, b, d, e and f, Clause 2, Article 19 of this Law in case of direct licensing;
 - b/ Winning an auction or passing an examination to select entities eligible for the right to use a radio frequency.

Article 21. Grant of frequency and satellite orbit use licenses

1. Entities to be licensed are organizations lawfully operating in Vietnam.
2. Conditions on licensees include:
 - a/ Having adequate financial and technical capabilities and human resources for management and operation of satellites;
 - b/ Having a feasible plan on the efficient use of the satellite orbit for purposes and radiocommunication services not banned by law;

c/ Having committed to comply with Vietnam's laws and treaties to which the Socialist Republic of Vietnam is a contracting party on the use of radio frequencies, satellite orbits and outer space.

Article 22. Extension, modification and supplementation of radio frequency use licenses

1. The extension of a license must adhere to the licensing principles specified in Article 17 of this Law and the following provisions:

a/ The licensed organization or individual has fulfilled all obligations prescribed for each kind of radio frequency use license;

b/ The remaining validity duration of the license is at least 30 days for radio frequency and equipment use licenses; 60 days for frequency band use licenses; or 90 days for frequency and satellite orbit use licenses;

c/ The total of the first-time validity duration and validity duration extensions of a license must not exceed the maximum validity duration prescribed for each kind of license. In case the first-time validity duration of a license is equal to the maximum validity duration prescribed for the relevant kind of license, only an extension of up to one year may be permitted.

2. The modification or supplementation of a radio frequency use license must adhere to the licensing principles specified in Article 17 of this Law and the following provisions:

a/ The license is still valid;

b/ The licensed organization or individual has fulfilled all the obligations prescribed for each kind of license;

c/ The modification or supplementation must comply with Articles 19, 20 and 21 of this Law.

Article 23. Revocation of radio frequency use licenses

1. Organizations and individuals shall have their radio frequency use licenses revoked in the following cases:

a/ Using radio frequencies against the State of the Socialist Republic of Vietnam or to the detriment of national defense and security, social order and safety;

b/ Using radio frequencies not in compliance with their licenses, causing serious damage to the interests of the State, and legitimate rights and interests of organizations and individuals;

c/ Intentionally and illegally causing harmful interference to other radio equipment or equipment systems, or using radio frequencies exclusively

used for national defense and security, emergency, safety, search, rescue and salvage for other purposes, causing serious consequences;

d/ Intentionally committing deceitful acts or supplying untruthful information to obtain a license;

e/ Failing to pay the charge for the use of a radio frequency and to fulfill other financial obligations prescribed by law;

f/ Failing to actually perform operations indicated in their licenses for 2 years after the licensing date;

g/ Having their telecommunication licenses, press activity licenses or their right to rebroadcast relevant radio or television programs revoked.

2. One year after having their radio frequency use licenses revoked under Points b, c, d and e, Clause 1 of this Article, in case their violations are not serious enough for penal liability examination and they have remedied consequences caused by their violations and meet all the conditions for licensing specified in this Clause, organizations and individuals may be considered for the re-grant of a radio frequency use license.

Article 24. Transfer of the right to use a radio frequency

1. The transfer of the right to use a radio frequency is specified as follows:

a/ Organizations licensed to use a frequency band or channel through auction may transfer the right to use of a radio frequency to other organizations;

b/ Organizations transferring the right to use a radio frequency must possess a valid radio frequency use license;

c/ Organizations receiving the right to use a radio frequency must meet the conditions on participants in an auction or examination to select entities eligible for the right to use radio frequencies specified at Point b, Clause 3, Article 18, and the licensing conditions specified at Points a, b, d, e and f, Clause 2, Article 19 of this Law;

d/ The transfer is approved in writing by the Ministry of Information and Communications;

e/ Parties to the transfer shall fulfill tax obligations under tax laws;

f/ The legitimate rights and interests of involved organizations and individuals are assured.

2. The Prime Minister shall detail the transfer of the right to use a radio frequency.

Article 25. Lease or lending of radio equipment

1. Owners of means of transport furnished with radio equipment and owners of amateur radio stations may reach agreement in writing to lease or lend radio equipment for which they have been licensed to other organizations and individuals for operation, and shall notify such to the specialized management agency in charge of radio frequencies.
2. Radio equipment lessees or borrowers must meet the conditions of licensees specified in Clause 1, Article 19 of this Law. Radio equipment lessors, lessees, lenders and borrowers shall comply with the law on radio frequencies and other relevant laws.
3. The Minister of Information and Communications shall detail the lease or lending of radio equipment.

Article 26. Common use of radio frequencies

1. Organizations and individuals that use a radio frequency at a low level or while traveling in a wide area shall share the radio frequency with other organizations and individuals and accept the effects of the common use.
2. Organizations and individuals licensed to commonly use a radio frequency shall use only the radio frequency indicated in their licenses and may use encryption or other technical solutions to assure information confidentiality.
3. The Minister of Information and Communications shall detail the common use of radio frequencies.

Article 27. Exemption from radio frequency use licensing

1. Radio equipment exempt from radio frequency use licensing includes:
 - a/ Short-range radio equipment of a limited output and unlikely to cause harmful interference, which are on the list mentioned in Clause 2 of this Article;
 - b/ Radio equipment installed on board foreign seagoing ships or airplanes traveling through Vietnamese territory, which are exempt from licensing under international agreements or treaties to which the Socialist Republic of Vietnam is a contracting party.
2. The Minister of Information and Communications shall announce a list of radio equipment exempt from radio frequency use licensing, together with their technical and operation conditions.
3. Manufacturers or importers of radio equipment on the list mentioned in Clause 2 of this Article shall announce and assure that manufactured or imported equipment meet the technical and operation conditions required for radio equipment exempt from radio frequency use licensing before marketing such equipment.

4. Users of radio equipment exempt from radio frequency use licensing shall assure all technical and operation conditions for such equipment.

Article 28. Rights and obligations of organizations and individuals licensed to use radio frequencies and equipment

1. To use radio frequencies and equipment according to their licenses.
2. To request competent agencies to handle harmful interference.
3. To lodge complaints about or denunciations against illegal acts in the domain of radio frequencies.
4. To install and use radio equipment and frequencies in accordance with relevant laws.
5. To design and install radio stations and antenna posts in accordance with regulations on electromagnetic compatibility, radio radiation safety, construction and aviation safety and other relevant regulations.
6. Subject to inspection and monitoring on radio frequency by competent state agencies.
7. To fulfill financial obligations for the use of radio frequencies as prescribed by law.
8. To participate in the international registration and coordination in radio frequencies, for the cases specified in Article 41 of this Law.
9. To comply with agreements on the international coordination in radio frequencies and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 29. Rights and obligations of organizations licensed to use frequency bands

1. To decide on the number and categories of radio equipment operating in a radiocommunication network.
2. To be exempt from radio frequency and equipment use licensing for each radio equipment used in a radiocommunication network.
3. To lodge complaints about illegal acts in the domain of radio frequencies.
4. To strictly comply with the provisions of their licenses; to promptly report on changes in techniques or the list of radio transmitting equipment in a radiocommunication network.
5. To comply with regulations on radio frequencies.

6. To design and install radio stations and antenna posts in accordance with regulations on radio radiation safety, electromagnetic compatibility and construction and aviation safety, and other relevant regulations.
7. To handle harmful interference between radio equipment within their radiocommunication networks.
8. To coordinate with licensed organizations in adjacent frequency bands in using radio frequencies and preventing harmful interference.
9. Subject to inspection and monitoring on radio frequency by competent state agencies.
10. To fulfill financial obligations for the use of radio frequencies as prescribed by law.
11. To participate in the international registration and coordination in radio frequencies, for the cases specified in Article 41 of this Law.
12. To comply with agreements on the international coordination in radio frequencies and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 30. Rights and obligations of organizations licensed to use radio frequencies and satellite orbits

1. To decide on the number and categories of radio equipment operating in a radiocommunication network.
2. To enter into joint ventures or partnerships with other organizations in managing and operating satellites.
3. To lodge complaints about illegal acts in the domain of radio frequencies.
4. To strictly comply with the provisions of their radio frequency and satellite orbit use licenses.
5. To comply with Vietnam's laws and treaties on the outer space to which the Socialist Republic of Vietnam is a contracting party.
6. Subject to inspection and monitoring on radio frequency .by competent state agencies.
7. To fulfill financial obligations for the use of radio frequencies and satellite orbits as prescribed by law.
8. To participate in the international registration and coordination in radio frequencies and satellite orbits, for the cases specified in Article 41 of this Law.

9. To comply with agreements on the international coordination in radio frequencies and satellite orbits, and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 31. Charge for the use of a radio frequency and fee for the grant of a radio frequency use license

1. Users of a radio frequency shall pay a charge for the use of a radio frequency and a fee for the grant of a radio frequency use license

2. The charge for the use of a radio frequency is prescribed on the basis of the economic value of the used radio frequency; use purpose; density of radio frequency spectrum occupancy; service coverage; demand for and density of the use of channels in a frequency band and geographical areas in which the radio frequency is used; and to cover expenses for the management of radio frequencies and the realization of relevant state policies in each period.

3. The charge for the use of a radio frequency prescribed in Clause 2 of this Article is exclusive of proceeds from the auction of the right to use a radio frequency.

4. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Information and Communications in, prescribing or proposing a competent state agency to prescribe the rates and regime of collection, remittance, management and use of the charge for the use of a radio frequency and the fee for the grant of a radio frequency use license.

Article 32. Radio operator certificates

1. Operators of radio equipment in the maritime or aeronautical mobile service or amateur radio service must possess a radio operator certificate.

2. The Minister of Information and Communications shall provide in detail kinds of radio operator certificates; eligible applicants, conditions and procedures for the grant and revocation of radio operator certificates and recognition of foreign radio operator certificates; and the training of radio operators.

3. The Minister of National Defense and the Minister of Public Security shall provide in detail conditions and procedures for the grant and revocation of radio operator certificates in the domains of national defense and security after reaching agreement with the Minister of Information and Communications; and the training of radio operators in the domains of national defense and security.

Article 33. Use of radio frequencies and equipment in a case of emergency

1. In a case of emergency in which human life and assets are threatened, organizations and individuals may temporarily use radio frequencies and equipment for which licenses have not been granted to make emergency calls and shall notify such to the specialized management agency in charge of radio frequencies.
2. Organizations and individuals may also use radio stations to transmit SOS information or signals to attract attention on radio frequencies not exclusively reserved for SOS calls.
3. Upon receiving SOS information or signals, organizations and individuals using radio stations shall keep listening to them on radio frequencies on which SOS calls are transmitted, respond and promptly render all necessary assistance, and at the same time notify the search and rescue agency thereof.

Chapter V

RADIO FREQUENCY INSPECTION, RADIO FREQUENCY MONITORING AND HANDLING OF HARMFUL INTERFERENCE

Article 34. Entities subject to radio frequency inspection and monitoring

1. Organizations and individuals using radio frequencies and radio frequency equipments in the territory of the Socialist Republic of Viet Nam shall be subject to radio frequency inspection and monitoring by a competent state agency.
2. Operators of radio equipment and radio equipment installed on board Vietnamese or foreign seagoing ships and airplanes entering the territory of the Socialist Republic of Vietnam shall comply with Vietnam's laws, international agreements and treaties to which the Socialist Republic of Vietnam is a contracting party and shall be subject to radio frequency inspection and monitoring by a competent agency.

Article 35. Responsibilities for radio frequency inspection and monitoring

1. The Ministry of Information and Communications shall organize radio frequency inspection and monitoring nationwide; and provide for the setting up of inspection delegations, inspection contents and procedures, and responsibilities of entities subject to inspection.
2. The Ministry of National Defense and the Ministry of Public Security shall organize inspection and monitoring of radio frequencies exclusively used for national defense and security purposes.
3. Results of radio frequency inspection, monitoring, and receiving, measurement of technical parameters of radio equipment by a State agency competent to inspect and monitor radio frequencies shall serve as evidence

for the identification and handling of violations of the law on radio frequencies and the handling of harmful interference.

Article 36. Modes of inspection

1. Regular inspection shall be conducted under inspection programs and plans approved by competent state agencies defined in Clauses 1 and 2, Article 35 of this Law.
2. Irregular inspection shall be conducted upon handling of harmful interference or detection of signs of violations of the law on radio frequencies.

Article 37. Measures to restrict harmful interference

Organizations and individuals licensed to use radio frequencies shall strictly comply with the provisions of their licenses and take the following measures to restrict harmful interference:

1. To keep transmission radio frequencies within the frequency deviation limit prescribed by the Ministry of Information and Communications;
2. To reduce the level of unwanted radio emission to the minimum value;
3. To use a transmission mode with the minimum occupied bandwidth corresponding to applied technologies;
4. To restrict radio wave reception and transmission in unnecessary directions;
5. To use the minimum capacity enough to assure communication quality.

Article 38. Principles on the handling of harmful interference

1. The specialized management agency in charge of radio frequencies shall handle harmful interference on the following principles:
 - a/ Prioritizing radio emission within a frequency bandwidth necessary for radio stations and minimizing unwanted radio emission;
 - b/ Prioritizing primary services over secondary services in the change of radio frequencies or transmission technical parameters for the handling of harmful interference;
 - c/ Requesting organizations and individuals that use radio stations causing harmful interference to take measures to change radio frequencies; limit the transmission capacity; change the height, polarization and directional characteristics of transmission antennas; and redistribute the working time of harmful interference-causing radio stations and other necessary measures to prevent interference;

d/ Requesting users of electric or electronic equipment or radio wave appliances causing harmful interference to take measures to eliminate interference;

e/ Requesting users of electric or electronic equipment or radio wave appliances to cease using these equipment or appliances if they cause harmful interference to navigation, safety, search, rescue, salvage, national defense and security radiocommunication until harmful interference is remedied;

f/ Organizations and individuals that cause interference due to their non-compliance with the provisions of their licenses shall bear expenses for the change of radio frequencies or equipment, and handling of harmful interference; if causing damage, they shall pay compensations under law;

g/ Users of radio equipment causing harmful interference in violation of the law on radio frequencies shall remedy such harmful interference and be handled under law.

2. Organizations and individuals that request the specialized management agency in charge of radio frequencies to handle harmful interference shall supply adequate information on harmful interference; if supplying untruthful information or evidence, they shall be handled under law.

Article 39. Procedures for handling harmful interference

1. When being affected by harmful interference, licensed users of radio frequencies shall carry out the following procedures for handling:

a/ Notifying the harmful interference to the specialized management agency in charge of radio frequencies;

b/ Following the instructions of the specialized management agency in charge of radio frequencies to identify interference sources and causes, and taking measures to handle harmful interference.

2. When tracing causes of harmful interference, the specialized management agency in charge of radio frequencies has the following rights and responsibilities:

a/ To measure directly technical parameters of radio equipment or electric or electronic equipment or radio wave appliances which might have caused harmful interference;

b/ To request temporary cessation of the operation of radio equipment or electric or electronic equipment or radio wave appliances to identify harmful interference sources in case of necessity;

c/ To mitigate impacts on the normal operation of radio equipment during the time of direct measurement or temporary cessation of the operation for tracing causes of harmful interference.

3. Users of radio frequencies and equipment in harmful interference-affected areas shall coordinate with the specialized management agency in charge of radio frequencies and create favorable conditions for quickly and accurately tracing interference sources and effectively handling interference.

4. Owners of harmful interference-causing equipment shall repair or improve the functions or shut down the operation of such equipment and take other measures at the request of the specialized management agency in charge of radio frequencies to eliminate harmful interference.

Article 40. Technical safety corridors of radio stations

1. The technical safety corridor of a radio station is the space in the direction of reception or transmission necessary for assuring the normal operation of the radio station.

2. The Minister of Information and Communications shall assume the prime responsibility for, and coordinate with the Minister of Construction, the Minister of National Defense and the Minister of Public Security in, promulgating regulations on technical safety corridors of radio stations and a list of radio stations with assured technical safety corridors together with their addresses and installation locations.

Chapter VI

INTERNATIONAL REGISTRATION AND COORDINATION IN RADIO FREQUENCIES AND SATELLITE ORBITS

Article 41. Cases of international registration and coordination in radio frequencies and satellite orbits

Organizations that use radio frequencies shall participate in the international registration or coordination in radio frequencies and satellite orbits in the following cases:

1. They use radio frequencies and equipment which are likely to cause harmful interference to radiocommunication services of other countries;

2. They use radio frequencies for international radiocommunication systems;

3. They use radio frequencies already allocated by international organizations to countries;

4. They use radio frequencies in cases of necessity to conduct international coordination in radio frequencies under international agreements or treaties to which the Socialist Republic of Vietnam is a contracting party;

5. They need to be protected from harmful interference from radiocommunication systems of other countries.

Article 42. International registration and coordination in radio frequencies and satellite orbits for satellite systems

1. International registration and coordination in radio frequencies and satellite orbits for satellite systems shall be conducted under regulations of the International Telecommunications Union.

2. The Ministry of Information and Communications shall:

a/ Examine the validity of dossiers for the registration of radio frequencies and satellite orbits, and carry out the registration with the International Telecommunications Union;

b/ Organize the radio frequency and satellite orbit coordination with radio frequency administrations of other countries under regulations of the International Telecommunication Union;

c/ Approve results of radio frequency and satellite orbit coordination under Article 44 of this Law.

3. Organizations using radio frequencies and satellite orbits shall:

a/ Comply with the provisions on the international registration and coordination in radio frequencies and satellite orbits of this Law and treaties to which the Socialist Republic of Vietnam is a contracting party;

b/ Directly coordinate radio frequencies with foreign organizations under Article 44 of this Law;

c/ Take part in the radio frequency and satellite orbit coordination with radio frequency administrations of other countries for which the Ministry of Information and Communications assumes the prime responsibility;

d/ Pay the radio frequency and satellite orbit registration fee under regulations of the International Telecommunications Union;

e/ Take necessary measures to handle harmful interference with other satellite systems under regulations of the International Telecommunications Union.

Article 43. International registration and coordination in radio frequencies and satellite orbits for terrestrial radiocommunication systems

1. The Ministry of Information and Communications shall:

a/ Organize the international coordination in radio frequencies with the bordering countries;

b/ Organize the international coordination in radio frequencies with other countries under regulations of the International Telecommunications Union;

c/ Examine the validity of dossiers for the registration of radio frequencies and carry out the registration with the International Telecommunications Union;

d/ Approve results of international coordination in radio frequencies under Article 44 of this Law.

2. Organizations using radio frequencies shall:

a/ Comply with regulations on the international registration and coordination in radio frequencies;

b/ Directly coordinate radio frequencies with foreign organizations under Article 44 of this Law;

c/ Take part in the radio frequency coordination with radio frequency administrations of other countries for which the Ministry of Information and Communications assumes the prime responsibility;

d/ Pay the radio frequency registration fee under regulations of the International Telecommunications Union;

e/ Take necessary measures to handle harmful interference with radiocommunication systems of other countries under regulations of the International Telecommunications Union.

Article 44. Direct coordination of radio frequencies and satellite orbits with organizations using foreign radio frequencies and satellite orbits

1. Organizations using radio frequencies and satellite orbits mentioned in Article 41 of this Law may directly coordinate with organizations using foreign radio frequencies and satellite orbits when so permitted by the Ministry of Information and Communications.

2. The radio frequency and satellite orbit coordination with organizations using foreign radio frequencies and satellite orbits must guarantee national interests and comply with regulations of the International Telecommunications Union.

3. Results of radio frequency and satellite orbit coordination will be valid after being approved by the Ministry of Information and Communications.

Chapter VII

MANAGEMENT AND USE OF RADIO FREQUENCIES FOR NATIONAL DEFENSE AND SECURITY PURPOSES

Article 45. Allocation of radio frequencies for national defense and security purposes

1. The Ministry of Information and Communications shall assume the prime responsibility for, and coordinate with the Ministry of National Defense and the Ministry of Public Security in, proposing the Prime Minister to approve the allocation of radio frequencies for national defense and security purposes in each period based on the national plan on the radio frequency spectrum.

2. In case the Ministry of National Defense and the Ministry of Public Security need to use for national defense and security purposes radio frequencies other than those exclusively allocated to them, agreement of the Ministry of Information and Communications is required.

3. In circumstances which might directly impact the national sovereignty and security, the Ministry of National Defense and the Ministry of Public Security may use radio frequencies other than those allocated to them for national defense and security purposes and notify such to the Ministry of Information and Communications.

Article 46. Management and use of radio frequencies for national defense and security purposes

1. The Ministry of National Defense and the Ministry of Public Security shall:

a/ Provide for the management and use of radio frequencies allocated for national defense and security purposes, assuring the efficient and economical use of allocated radio frequencies for proper purposes and in line with the national plan on the radio frequency spectrum;

b/ Elaborate and apply standards on radio equipment, radio emission and electromagnetic compatibility to the use of radio frequencies for national defense and security purposes, ensuring conformity with relevant national technical regulations;

c/ Grant, modify, supplement, extend and revoke radio frequency use licenses and radio operator certificates in the domain of national defense and security;

d/ Inspect and monitoring radio frequencies, handle harmful interference; inspect and settle complaints and denunciations, and handle violations of the law on radio frequencies in the domains of national defense and security;

e/ Designate their specialized agencies in charge of radio frequency management to advise and assist the Ministers in organizing the management, inspection and monitoring of radio frequencies allocated for national defense and security purposes.

2. The Ministry of Information and Communications shall assume the prime responsibility for, and coordinate with the Ministry of National Defense and the Ministry of Public Security in, formulating the following mechanisms for coordination:

a/ The management and use of frequency bands for common use for national defense, security and socio-economic development purposes;

b/ The handling of harmful interference between radio stations for socio-economic development and those for national defense and security;

c/ The use of radio frequencies other than allocated ones in case of national defense and security emergency.

Article 47. Management and use of interference-causing devices

1. The Ministry of National Defense and the Ministry of Public Security may use interference-causing devices to perform the task of national defense and prevention and combat of all activities infringing upon national security, social order and safety.

When necessary to use interference-causing devices, agencies and organizations outside the Ministry of National Defense and the Ministry of Public Security shall obtain permission of the Prime Minister.

2. When using interference-causing devices, agencies and organizations mentioned in Clause 1 of this Article shall comply with regulations of the management and use of interference-causing devices.

3. The Prime Minister shall provide in detail the management and use of interference-causing devices.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 48. Effect

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

2. The provisions on radio frequencies in Ordinance No. 43/2002/PL-UBTVQH10 on Post and Telecommunications cease to be effective on the effective date of this Law.

Article 49. Implementation detailing and guidance

The Government and competent agencies shall detail and guide the implementation of articles and clauses assigned to them in this Law, and guide other necessary provisions of this Law to meet state management requirements.

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

Chairman of the National Assembly
NGUYEN PHU TRONG