

No: 18/2002/QD-BVHTT

Hanoi, July 29, 2002

DECISION

ISSUING THE REGULATION ON THE LICENSING, INSPECTION, SUPERVISION AND HANDLING OF VIOLATIONS OF THE RECEPTION OF FOREIGN TELEVISION PROGRAMS

THE MINISTER OF CULTURE AND INFORMATION

Pursuant to the December 28, 1989 Press Law and the June 12, 1999 Law amending and supplementing a number of articles of the Press Law;

Pursuant to the Government's Decree No. 81/CP of November 8, 1993 defining the functions, tasks, powers and organizational apparatus of the Ministry of Culture and Information;

Pursuant to the Government's Decree No. 51/2002/ND-CP of April 26, 2002 detailing the implementation of the Press Law and the Law amending and supplementing a number of articles of the Press Law;

Pursuant to the Government's Decree No. 31/2001/ND-CP of June 26, 2001 on sanctioning administrative violations in the culture and information domain;

Pursuant to the Prime Minister's Decision No. 79/2002/QD-TTg of June 18, 2002 on the management of the reception of foreign television programs;

At the proposal of the director of the Press Department of the Ministry of Culture and Information,

DECIDES:

Article 1.- To issue the Regulation on the licensing, inspection, supervision and handling of violations of the reception of foreign television programs.

Article 2.- The director of the Press Department, the chief inspector of the Ministry of Culture and Information, and the directors of the Culture and Information Services of the provinces and centrally-run cities shall have to guide, inspect and implement this Regulation.

Article 3.- This Regulation takes effect as from the date of its signing and replaces the Regulation on the licensing, supervision and handling of violations of the reception of foreign television programs from satellites (TVRO), which was issued together with Decision No. 46/QD-BC of January 10, 1997 of the Minister of Culture and Information.

All previous provisions contrary to this Regulation are hereby annulled.

**MINISTER OF CULTURE AND
INFORMATION**

Pham Quang Nghi

REGULATION

**ON THE LICENSING, INSPECTION, SUPERVISION AND HANDLING OF VIOLATIONS OF
THE RECEPTION OF FOREIGN TELEVISION PROGRAMS**
*(Issued together with Decision No. 18/2002/QD-BVHTT of July 29, 2002 of the Minister of Culture
and Information)*

Chapter I

LICENSING PROCEDURES

Section A. PROCEDURES FOR CONSIDERATION AND GRANTING OF LICENSES TO RECEIVE FOREIGN TELEVISION PROGRAMS DIRECTLY FROM SATELLITES

Article 1.- Dossiers of application for licenses

If the subjects specified in Article 1 of the Prime Minister's Decision No. 79/2002/QD-TTg of June 18, 2002 on the management of the reception of foreign television programs (hereinafter called the Decision for short) wish to receive foreign television programs directly from satellites, they must fill in the procedures to apply for permission of the State management bodies.

1. The subjects specified at Points a, c, e and f, Clause 1 and Points a and b, Clause 2, Article 1 of the Decision shall submit dossiers of application for licenses to receive foreign television programs directly from satellites to the Press Department of the Ministry of Culture and Information.

Such a dossier shall consist of:

- A declaration applying for a license, made according to a set form;
- The written certification of the location of installation of the equipment for receiving foreign television programs directly from satellites (a notarized copy of the decision on the establishment of the applying agency or organization, house ownership certificate, house-renting contract);
- A copy of the appointment decision or a written proposal of the head of the managing agency, for the subjects specified at Points a and b, Clause 1;
- The written certification and proposal of the Foreign Ministry of the Socialist Republic of Vietnam, for the subjects specified at Points a and b, Clause 2.

2. The subjects specified at Points b and d, Clause 1 and Points c and d, Clause 2, Article 1 of the Decision, shall submit dossiers of application for licenses to receive foreign television programs directly from satellites to the Culture and Information Services of the provinces or centrally-run cities where the equipment for receiving foreign television programs directly from satellites is to be installed.

Such a dossier shall consist of:

- A declaration applying for a license, made according to a set form;
- The written certification of the location where the equipment for receiving foreign television programs directly from satellites is to be installed (a notarized copy of the decision on the establishment of the applying agency or organization, house ownership certificate, house-renting contract);
- The written proposal of the head of the managing agency, for the subjects specified at Point d, Clause 1;

- A notarized copy of the investment license or operation license, for the subjects specified at Point c, Clause 2;

- The written certification of the reason for permanent residence in Vietnam, issued by competent authorities, for the subjects being foreigners permanently residing in Vietnam specified at Point d, Clause 2;

- A notarized copy of the decision recognizing one-star or higher class, issued by the agency performing the State management over tourism, and a notarized copy of the dossier on the setting up of the tourist accommodation establishment, for the subjects being tourist accommodation establishments where stay foreign tourists specified at Point d, Clause 2.

Article 2.- Licensing

Within 15 days after receiving the valid dossiers, the Ministry of Culture and Information or the provincial/municipal Culture and Information Services shall have to consider and grant licenses to receive foreign television programs directly from satellites. In case of refusal to grant such licenses, the Ministry of Culture and Information or the provincial/municipal Culture and Information Services shall reply and clearly state the reasons therefor. Organizations and individuals that are not granted the licenses shall be entitled to lodge complaints according to law provisions.

The contents of licenses to receive foreign television programs directly from satellites shall comply with the form set by the Ministry of Culture and Information.

Article 3.- Validity of licenses

1. Only after obtaining the licenses to receive foreign television programs directly from satellites can the licensed subjects proceed with the installation and use of the equipment for receiving foreign television programs.

2. All subjects licensed to receive foreign television programs directly from satellites must strictly comply with the stipulations of their granted licenses.

3. Amendments and/or supplements to any of the provisions inscribed in the licenses must go through the procedures of application for permission and be approved in writing by the licensing bodies.

4. Licenses shall be valid for 5 years at most as from the date of their issuance.

The validity of licenses shall be clearly inscribed therein.

For the subjects that are licensed to receive foreign television programs directly from satellites but operate or reside in Vietnam for under 5 years, the validity of their licenses shall correspond to their operation or residence duration (on the basis of the operation licenses, residence permits, house-renting contracts)

Upon the expiry of their licenses, if the licensed subjects wish to continue receiving foreign television programs directly from satellites they shall fill in the procedures of application for licenses as for the first-time application.

5. If the licensed subjects no longer need to receive foreign television programs directly from satellites, they must dismantle by themselves the equipment for receiving foreign television programs and return their licenses to the licensing bodies.

Section B. PROCEDURES FOR CONSIDERATION AND GRANTING OF REGISTRATION CERTIFICATES TO FOREIGN TELEVISION COMPANIES THAT SUPPLY FOREIGN TELEVISION PROGRAM-DECODING SETS TO THEIR DISTRIBUTORS IN VIETNAM

Article 4.- Dossiers of application for registration certificates

Foreign television companies that wish to supply the television program-decoding sets to their distributors in Vietnam must fill in the procedures for registration thereof with the Ministry of Culture and Information.

A dossier shall consist of:

1. A declaration applying for the registration certificate, made according to a set form in Vietnamese;
2. A copy of the operation license granted by the country to which the television company bear its nationality, enclosed with its notarized Vietnamese translation.

Dossiers of application for registration certificates shall be submitted at the Press Department of the Ministry of Culture and Information.

Article 5.- Granting of registration certificates

Within 30 days after receiving the valid dossiers, the Ministry of Culture and Information shall have to consider and grant the certificates of registration of the supply of foreign television program-decoding sets in Vietnam. In case of refusal to grant such registration certificates, the Ministry of Culture and Information shall reply and clearly state the reasons therefor. Organizations that are not granted the registration certificates shall be entitled to lodge complaints according to law provisions.

The contents of the certificates of registration of the supply of foreign television program-decoding sets in Vietnam shall comply with the regulations of the Ministry of Culture and Information.

Article 6.- Validity of registration certificates

1. Only after being granted by the Ministry of Culture and Information the certificates of registration of the supply of foreign television program-decoding sets in Vietnam can the foreign television companies sign supply contracts with the agencies and organizations acting as their distributors in Vietnam.
2. All foreign television companies granted the certificates of registration of the supply of foreign television program-decoding sets in Vietnam must strictly comply with the contents already approved by the Ministry of Culture and Information in their registration certificates.
3. Amendment and/or supplement to any of the contents already approved in the certificates of registration of the supply of foreign television program-decoding sets in Vietnam must go through the procedures of application therefor and be approved in writing by the Ministry of Culture and Information.
4. Registration certificates shall be valid for 5 years as from the date of their issuance. Upon the expiry of their registration certificates, if the foreign television companies wish to continue supplying the foreign television program-decoding sets they shall have to fill in the procedures of application for registration certificates as for the first-time application.

Section C. PROCEDURES FOR CONSIDERATION AND GRANTING OF REGISTRATION CERTIFICATES TO AGENCIES AND ORGANIZATIONS TO ACT AS DISTRIBUTORS OF FOREIGN TELEVISION PROGRAM-DECODING SETS IN VIETNAM

Article 7.- Dossiers of application for registration certificates

If agencies and organizations dealing in the installation and repair of equipment for receiving television signals directly from satellites (TVRO) and having been granted by the Ministry of Culture and Information the certificates of registration thereof wish to act as distributors of foreign television program-decoding sets in Vietnam, they must fill in the procedures for registration thereof with the Ministry of Culture and Information.

A dossier shall consist of:

1. A declaration applying for the registration certificate, made according to a set form;
2. A notarized copy of the operation license or the license on the establishment of the applying agency or organization;
3. A notarized copy of the contract for acting as distributor of foreign television program-decoding sets in Vietnam for a foreign television company, enclosed with its notarized Vietnamese translation.

The dossiers of application for registration certificates shall be submitted at the Press Department of the Ministry of Culture and Information.

Article 8.- Granting of registration certificates

Within 20 days after receiving the valid dossiers, the Ministry of Culture and Information shall have to consider and grant the certificates of registration to act as distributors of foreign television program-decoding sets in Vietnam. In case of refusal to grant such registration certificates, the Ministry of Culture and Information shall reply and clearly state the reasons therefor. Organizations or agencies that are not granted the registration certificates shall be entitled to lodge complaints according to law provisions.

The contents of the certificates of registration to act as distributors of foreign television program-decoding sets in Vietnam shall comply with the regulations of the Ministry of Culture and Information.

Article 9.- Validity of registration certificates

1. Only after being granted by the Ministry of Culture and Information the certificates of registration to act as distributors of foreign television program-decoding sets in Vietnam can the concerned organizations or agencies distribute foreign television program-decoding sets.

The agencies and organizations acting as distributors of foreign television program-decoding sets in Vietnam shall be responsible for supplying such sets to the right subjects licensed to receive foreign television programs according to law provisions.

The import of foreign television program-decoding sets into Vietnam must comply with the Vietnamese State's regulations on the import of equipment for receiving television signals directly from satellites.

2. All agencies and organizations that have been granted the certificates of registration to act as distributors of foreign television program-decoding sets in Vietnam must strictly comply with the contents already approved by the Ministry of Culture and Information in their registration certificates.
3. Amendment and/or supplement to any of the contents already approved in the certificates of registration to act as distributors of foreign television program-decoding sets in Vietnam must go

through the procedures of application therefor and be approved in writing by the Ministry of Culture and Information.

4. Registration certificates shall be valid for 5 years as from the date of their issuance. Upon the expiry of their registration certificates, if the agencies or organizations wish to continue to act as distributors of foreign television program-decoding sets in Vietnam, they shall have to fill in the procedures of application for registration certificates as for the first-time application.

Section D. PROCEDURES FOR CONSIDERATION AND GRANTING OF REGISTRATION CERTIFICATES TO AGENCIES AND ORGANIZATIONS DEALING IN THE INSTALLATION AND REPAIR OF EQUIPMENT FOR RECEIVING TELEVISION SIGNALS DIRECTLY FROM SATELLITES (TVRO)

Article 10.- Dossiers of application for registration certificates

Agencies and organizations wishing to deal in the installation and repair of equipment for receiving television signals directly from satellites (TVRO) must fill in the procedures for registration thereof with the Ministry of Culture and Information.

A dossier shall consist of:

1. A declaration applying for the registration certificate, made according to a set form;
2. A notarized copy of the operation license or the license on the establishment of the applying agency or organization;

The dossiers of application for registration certificates shall be submitted at the Press Department of the Ministry of Culture and Information.

Article 11.- Granting of registration certificates

Within 15 days after receiving the valid dossiers, the Ministry of Culture and Information shall have to consider and grant the registration certificates to the agencies or organizations to deal in the installation and repair of equipment for receiving television signals directly from satellites (TVRO). In case of refusal to grant such registration certificates, the Ministry of Culture and Information shall reply and clearly state the reasons therefor. Agencies or organizations that are not granted the registration certificates shall be entitled to lodge complaints according to law provisions.

The contents of the registration certificates granted to the agencies or organizations dealing in the installation and repair of equipment for receiving television signals directly from satellites (TVRO) shall comply with the regulations of the Ministry of Culture and Information.

Article 12.- Validity of registration certificates

1. Only after being granted by the Ministry of Culture and Information the certificates can the organizations or agencies dealing in the registration installation and repair of equipment for receiving television signals directly from satellites (TVRO) proceed with the installation and repair of equipment for receiving television signals directly from satellites (TVRO).

The import of equipment for receiving television signals directly from satellites (TVRO) into Vietnam must comply with the Vietnamese State's regulations.

The agencies and organizations dealing in the installation and repair of equipment for receiving television signals directly from satellites (TVRO) shall be responsible for installing and repairing such equipment for the right subjects licensed to receive foreign television programs from satellites in strict accordance with law provisions.

2. All agencies and organizations that deal in the installation and repair of equipment for receiving television signals directly from satellites (TVRO) and have been granted the registration certificates must strictly comply with the contents already approved by the Ministry of Culture and Information in their registration certificates.

3. Amendment and/or supplement to any of the contents already approved in the registration certificates must go through the procedures of application therefor and be approved in writing by the Ministry of Culture and Information.

4. Registration certificates shall be valid for 5 years as from the date of their issuance. Upon the expiry of their registration certificates, if the agencies or organizations wish to continue dealing in the installation and repair of equipment for receiving television signals directly from satellites (TVRO), they shall have to fill in the procedures of application for registration certificates as for the first-time application.

Section E. IMPORT OF AND DEALING IN EQUIPMENT FOR RECEIVING TELEVISION SIGNALS DIRECTLY FROM SATELLITES (TVRO)

Article 13.- The import of and dealing in equipment for receiving television signals directly from satellites (TVRO) must be approved in writing by the Ministry of Culture and Information.

The agencies and organizations that import and/or deal in equipment for receiving television signals directly from satellites (TVRO) shall send to the Press Department of the Ministry of Culture and Information documents clearly listing the names, technical specifications, origin, quantities, types, models and catalogs of equipment, the copies of the registration certificates of the agencies or organizations dealing in the installation and repair of equipment for receiving television signals directly from satellites, which are granted by the Ministry of Culture and Information, and the contracts on the purchase of such equipment.

Chapter II

INSPECTION, SUPERVISION, COMMENDATION, AND HANDLING OF VIOLATIONS

Article 14.- Inspection and supervision

The specialized culture and information inspectorate shall perform its specialized inspection function in accordance with law provisions.

The Press Department of the Ministry of Culture and Information shall have to assume the prime responsibility and coordinate with the concerned agencies in conducting annual or unexpected inspections of the granting and use of the licenses to receive foreign television programs directly from satellites, the supply and distribution of foreign television program-decoding sets as well as the installation and repair of equipment for receiving television signals directly from satellites.

Article 15.- Reporting regime

1. The provincial/municipal Culture and Information Services shall have to send 1 duplicate of the license to receive foreign television programs directly from satellites already granted to each organization or individual in their respective localities to the Press Department of the Ministry of Culture and Information.

They shall send bi-annual and annual reports on the situation of the granting and use of licenses to receive foreign television programs directly from satellites in their respective localities to the Press Department of the Ministry of Culture and Information.

2. The distributors of foreign television program-decoding sets in Vietnam shall have to send annual reports (up to December 25) on the quantities of decoding sets already supplied as well as of the subjects already supplied therewith to the Press Department of the Ministry of Culture and Information.

3. The agencies and organizations dealing in the installation and repair of equipment for receiving television signals directly from satellites shall have to send annual reports (up to December 25) on the quantities, the list of names and addresses of the subjects for which they have installed and/or repaired equipment for receiving television signals directly from satellites to the Press Department of the Ministry of Culture and Information.

Article 16.- Commendation

Agencies, organizations and individuals that have recorded merits in the detection of violations of the provisions in Decision No. 79/2002/QD-TTg and this Regulation shall be commended and rewarded according to the State's regulations.

Article 17.- Handling of violations

The handling of violations of the regulations on the installation and use of foreign television program-receiving equipment shall comply with the provisions of the Government's Decree No. 31/2001/ND-CP on sanctioning administrative violations in the culture and information domain.

Article 18.- Competence to handle violations

1. The Ministry of Culture and Information shall decide to withdraw the licenses to receive foreign television programs directly from satellites, the certificates of registration of the supply of foreign television program-decoding sets in Vietnam, the certificates of registration to act as distributors of foreign television program-decoding sets in Vietnam, the registration certificates of agencies and organizations dealing in the installation and repair of equipment for receiving television signals directly from satellites in cases where these agencies, organizations and individuals violate the provisions of Decision No. 79/2002/QD-TTg and of this Regulation.

2. The People's Committees of the provinces and centrally-run cities shall request the provincial/municipal Culture and Information Services to withdraw the licenses to receive foreign television programs directly from satellites, handle the violations of the provisions of Decision No. 79/2002/QD-TTg and of this Regulation in their respective localities according to their competence prescribed in the Government's Decree No. 31/2001/ND-CP on sanctioning administrative violations in the culture and information domain.

3. The Culture and Information Services of the provinces and centrally cities shall have to organize the implementation of the violation-handling decisions issued by the Ministry of Culture and Information and the provincial/municipal People's Committees; withdraw the licenses to receive foreign television programs directly from satellites in cases where the agencies, organizations and individuals violate the provisions of Decision No. 79/2002/QD-TTg and of this Regulation

4. The specialized culture and information inspectorate shall be entitled to inspect and handle acts of violation of the provisions of Decision No. 79/2002/QD-TTg and of this Regulation according to its competence prescribed in the Government's Decree No. 31/2001/ND-CP on sanctioning administrative violations in the culture and information domain.

**MINISTER OF CULTURE AND
INFORMATION**

Pham Quang Nghi