

No. 30/2011/TT-BTTTT

Hanoi, October 31, 2011

CIRCULAR

PROVIDING FOR REGULATION CONFORMITY CERTIFICATION AND ANNOUNCEMENT FOR
INFORMATION TECHNOLOGY AND COMMUNICATION PRODUCTS AND GOODS

THE MINISTER OF INFORMATION AND COMMUNICATIONS

Pursuant to the November 23, 2009 Law on Telecommunications; Pursuant to the November 23, 2009 Law on Radio Frequency;

Pursuant to the June 29, 2006 Law on Standards and Technical Regulations;

Pursuant to the November 21, 2007 Law on Product and Goods Quality; Pursuant to the Government's Decree No. 127/2007ND-CP of August 1, 2007, detailing a number of articles of the Law on Standards and Technical Regulations;

Pursuant to the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing a number of articles of the Law on Product and Goods Quality;

Pursuant to the Government's Decree No. 25/2011/ND-CP of April 6, 2011, detailing and guiding a number of articles of the Law on Telecommunications;

Pursuant to the Government's Decree No. 187/2007/ND-CP of December 25, 2007, defining the functions, tasks, powers and organizational structure of the Ministry of Information and Communications, which was amended and supplemented under Decree No. 50/2011/ND-CP of June 24, 2011;

At the proposal of the Director of the Telecommunications Department,

STIPULATES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation and subjects of application

1. Scope of regulation: This Circular provides for regulation conformity certification and announcement for products and goods under the Ministry of Information and Communications' specialized management (below collectively referred to as products), including telecommunications devices; radio transmitters and transreceivers; electronic and information technology devices (except devices used for defense and security purposes under law).

Products under treaties on mutual recognition for regulation conformity and announcement to which Vietnam is a contracting party shall be regulated by such treaties.

2. Subjects of application: This Circular applies to Vietnamese and foreign organizations and individuals engaged in producing and trading in products mentioned in Clause 1 of this Article in the Vietnamese territory (below referred to as organizations and individuals).

Article 2. Interpretation of terms

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

1. Regulation conformity certification means certification of products' conformity with technical regulations issued by the Ministry of Information and Communications and/or with standards to be compulsorily applied as stipulated by the Ministry of Information and Communications (below collectively referred to as technical regulations) in order to ensure the compatibility of these products in national telecommunications network connection and safety, information security, electromagnetic compatibility requirements, effective and economical utilization of the radio spectrum resource, safety for humans and the environment, and user interests.

2. Regulation conformity announcement means that organizations and individuals announce to state management agencies and consumers about their products' conformity with relevant technical regulations after carrying out the process of conformity assessment.

3. Product testing means checking of one or more technical specification(s) of a product according to relevant technical regulations.

4. Regulation conformity certification organization means a non-business unit providing technical services which is assigned by the Ministry of Information and Communications to certify regulation conformity.

5. Testing unit means a unit capable of testing technical specifications of products according to relevant technical regulations.

6. Designated testing unit means a testing unit designated by the Ministry of Information and Communications to conduct testing for regulation conformity certification and announcement.

7. Recognized testing unit means a foreign testing unit recognized by the Ministry of Information and Communications within the framework of mutual recognition.

8. Accredited testing unit means a testing unit which is capable of conducting testing for regulation conformity announcement and accredited by a competent accreditation organization.

Article 3. Characteristics of regulation conformity certification and announcement

Regulation conformity certification and announcement are compulsory for organizations and individuals producing and trading in products subject to relevant technical regulations in order to serve the quality management of specialized products and goods before they are placed on the market.

Article 4. State management agencies in charge of regulation conformity certification and announcement

1. The Telecommunications Department shall perform the state management of regulation conformity certification and announcement for information technology and communication products and goods nationwide.

2. The Information and Communications Departments of provinces and centrally run cities (provincial-level Information and Communications Departments) shall coordinate with the Telecommunications Department in performing the state management of regulation conformity certification and announcement in localities under their management.

Article 5. Testing units for regulation conformity certification and announcement

1. Testing units for regulation conformity certification are those designated or recognized for performing this work.

2. Testing units for regulation conformity announcement are those designated, recognized or accredited for performing this work.

3. Capable foreign testing units will have their testing results recognized by the Telecommunications Department for regulation conformity certification with regard to measurements which domestic testing units are incapable of conducting.

4. Testing units shall take responsibility before competent agencies for the accuracy of testing results. Testing results are not valid for replacing regulation conformity certificates and regulation conformity announcement papers.

Article 6. Product lists and forms of management

1. The Ministry of Information and Communications shall issue in each period a list of information technology and communication products and goods subject to compulsory regulation conformity certification and announcement and a list of information technology and communication products and goods subject to compulsory regulation conformity announcement in accordance with the State's management policies.

2. Organizations and individuals producing or importing products on the list of information technology and communication products and goods subject to compulsory regulation conformity certification and announcement, except the cases specified in Article 7 of this Circular, shall conduct regulation conformity certification under Chapter II and regulation conformity announcement under Chapter III, and use regulation conformity marks under Chapter IV of this Circular.

3. Organizations and individuals producing or importing products on the list of information technology and communication products and goods subject to compulsory regulation conformity announcement, except the cases specified in Article 8 of this Circular, shall conduct regulation conformity announcement under Chapter III, and use regulation conformity marks under Chapter IV of this Circular.

Article 7. Cases not subject to regulation conformity certification

Products on the list referred to in Clause 2, Article 6 of this Circular are not subject to regulation conformity certification in the following cases:

1. Products imported as baggage or through the cargo channel for personal use under law, including electronic and information technology devices and public land fixed and mobile terminal devices for telecommunications and Internet services permitted to be provided and used in Vietnam.

2. Imported or domestically produced products for display and exhibition under law; or for use as samples for research and development purposes or samples for product testing for regulation conformity certification.

3. Radio devices of foreign diplomatic representations and consular offices, representative agencies of international organizations based in Vietnam and foreign high-ranking delegations visiting Vietnam that are entitled to diplomatic privileges and immunities; foreign correspondents entering Vietnam to carry out short-term press activities (with press licenses granted by the Ministry of Foreign Affairs); and amateur radio operators.

Article 8. Cases not subject to regulation conformity announcement

Products on the lists referred to in Clauses 2 and 3, Article 6 of this Circular are not subject to regulation conformity announcement in the following cases:

1. Cases not subject to regulation conformity certification specified in Article 7 of this Circular.
2. Domestically produced or imported products which are used by the producers or importers themselves.

Article 9. Regulation conformity certification for radio equipment

Regulation conformity certification for radio equipment must comply with master plans on radio frequency and regulations on radiation quality management, radio radiation safety and electromagnetic compatibility. To be used in the Vietnamese territory, in addition to being conformable with this Circular, radio equipment must have radio frequency use licenses.

Article 10. Expenses for regulation conformity certification and announcement

Organizations and individuals are obliged to pay expenses for regulation conformity certification and fees for receipt of regulation conformity announcement papers under current regulations.

Chapter II

REGULATION CONFORMITY CERTIFICATION

Article 11. Mode of regulation conformity certification

1. The mode of regulation conformity certification for products complies with management provisions in relevant technical regulations.
2. The Telecommunications Department shall guide in detail the application of the mode of regulation conformity certification mentioned in Clause 1 of this Article to each specific object to ensure compliance with relevant technical regulations.

Article 12. Regulation conformity certificates

1. Regulation conformity certificates granted by regulation conformity certification organizations are valid nationwide.
2. A regulation conformity certificate shall be granted for each type of product and is valid for three (3) years at most. Within the validity duration of regulation conformity certificates, organizations and individuals may market products in an unlimited quantity.
3. A regulation conformity certificate shall be made according to the form provided in Appendix I to this Circular.

Article 13. Regulation conformity certification procedures

1. Organizations and individuals shall make dossiers of request for regulation conformity certification under Clause 1, Article 14 of this Circular and send one (1) set of dossier to regulation conformity certification organizations.
2. Regulation conformity certification organizations shall examine dossiers and grant regulation conformity certificates within ten (10) working days after receiving a complete and valid dossier under Clause 1, Article 14 of this Circular. In case of refusal, regulation conformity certification organizations shall notify such in writing to applicants, clearly stating the reason.
3. In special cases in which regulation conformity certification requires a period of time longer than the time limit specified in Clause 2 of this Article, regulation conformity certification organizations shall notify in writing applicants of the reason. The time for examining a dossier and granting a regulation conformity certificate is thirty (30) working days from the date of receiving a complete and valid dossier.

Article 14. Dossiers of request for regulation conformity certification and places of dossier receipt

1. A dossier of request for regulation conformity certification comprises:

a/ A written request for regulation conformity certification (made according to the form provided in Appendix II to this Circular);

b/ A legal entity status-evidencing paper: A certified copy of one of the following papers: business registration certificate; establishment decision/license, investment certificate/license (for organizations); identity card or passport (for individuals). If dossiers are directly submitted, copies may be submitted together with originals for comparison;

c/ The product testing result of a qualified testing unit defined in Clause 1 or 3, Article 5 of this Circular which is issued within two (2) years up to the date a complete and valid dossier is received;

d/ Technical documents of products, fully showing the following details: appellations, codes of and technical information on products, photos of products' appearance and manufacturers;

e/ Relevant documents, depending on the mode of regulation conformity certification.

2. Places of dossier receipt are head offices of regulation conformity certification organizations.

Chapter III

REGULATION CONFORMITY ANNOUNCEMENT

Article 15. Mode of regulation conformity announcement

1. For products on the list referred to in Clause 2, Article 6 of this Circular, organizations and individuals shall register regulation conformity announcement papers (made according to the form provided in Appendix III to this Circular) after obtaining regulation conformity certificates granted by regulation conformity certification organizations.

2. For products on the list referred to in Clause 3, Article 6 of this Circular, organizations and individuals shall register regulation conformity announcement papers after conducting conformity self-assessment based on product testing results of testing units defined in Clause 2, Article 5 of this Circular.

Article 16. Order and procedures for regulation conformity announcement registration

1. Organizations and individuals shall make regulation conformity announcement registration dossiers under Clause 1, Article 17 of this Circular and send one set of the dossier to agencies receiving regulation conformity announcement dossiers.

2. Within seven (7) working days after receiving a complete and valid dossier, the dossier-receiving agency shall issue a notice of receipt of regulation conformity announcement paper (made according to the form provided in Appendix IV to this Circular). In case of refusal, it shall notify in writing improper details of the dossiers to the registering organization or individual for dossier completion and re-registration.

Article 17. Regulation conformity announcement dossiers and places of dossier receipt

1. A regulation conformity announcement registration dossier comprises:

a/ A regulation conformity announcement paper;

b/ A legal entity status-evidencing paper: A certified copy of one of the following papers: business registration certificate; establishment decision/license, investment certificate/license (for organizations); identity card or passport (for individuals). If dossiers are submitted directly, copies may be submitted together with their originals for comparison;

c/ A regulation conformity mark specimen used for products;

d/ A copy of the regulation conformity certificate (still valid) granted by a regulation conformity certification organization (in case of regulation conformity announcement by the mode stated in Clause 1, Article 15 of this Circular);

e/ The product testing result issued by a qualified testing unit defined in Clause 2, Article 5 of this Circular within two (2) years up to the date of receipt of a complete and valid dossier; products' technical documents fully showing the following details: appellations, codes of and technical information on products, photos of products' appearance, manufacturers (in case of regulation conformity announcement by the mode stated in Clause 2, Article 15 of this Circular);

2. The Telecommunications Department shall guide in detail the order and procedures for regulation conformity announcement and places of dossier receipt.

Chapter IV

USE OF REGULATION CONFORMITY MARKS

Article 18. Use of regulation conformity marks

1. Regulation conformity mark is a mark showing a product's conformity with relevant technical regulations.

2. Depending on regulation conformity announcement modes stated in Article 15 of this Circular, regulation conformity marks include:

a/ Regulation conformity marks for products subject to compulsory regulation conformity certification and announcement (made according to the form provided in Appendix V to this Circular);

b/ Regulation conformity marks for products subject to compulsory regulation conformity announcement (made according to the form provided in Appendix VI to this Circular);

3. Organizations and individuals may use regulation conformity marks only after having registered their specimens at regulation conformity announcement-receiving agencies. For improperly presented regulation conformity marks, within ten (10) working days, regulation conformity announcement-receiving agencies shall request in writing organizations and individuals to adjust such marks as appropriate.

Article 19. Method of presenting regulation conformity marks

1. Regulation conformity marks may be larger or smaller than the set forms but must be in proportion and visible to the naked eye.

2. Organizations and individuals may themselves select the color of regulation conformity marks. Such marks must be single-colored, clear, visible and durable. Organizations and individuals may not print any other characters, images or patterns on regulation conformity marks. If wishing to print regulation conformity marks on other materials for sticking, organizations and individuals shall select materials which are disposable and non-reusable.

3. After regulation conformity announcement, organizations and individuals shall themselves present regulation conformity marks by printing or sticking such marks directly on products or their packings or labels in places where such marks are noticeable and readable, and may print such marks in accompanying technical documents.

Article 20. Management of regulation conformity marks

1. Organizations and individuals using regulation conformity marks shall comply with this Circular and take responsibility before competent agencies for the accuracy of such marks.

2. Organizations and individuals that have products subject to regulation conformity certification shall:

a/ Make monitoring books and regular reports on the use of regulation conformity marks under the guidance of regulation conformity certification organizations or irregular reports at the request of competent state agencies;

b/ Report on changes in the registered specimens of regulation conformity marks to regulation conformity announcement-receiving agencies. For regulation conformity marks with improper details, within ten (10) working days, regulation conformity announcement-receiving agencies shall request in writing organizations and individuals to adjust such marks as appropriate.

3. The Telecommunications Department shall guide in detail relevant units in managing regulation conformity marks under this Article.

Chapter V

MANAGEMENT OF PRODUCTS AFTER REGULATION CONFORMITY CERTIFICATION AND ANNOUNCEMENT

Article 21. Responsibilities of organizations and individuals

1. Organizations and individuals that produce and import products on the list referred to in Clause 2, Article 6 of this Circular may circulate the products on the domestic market only after obtaining regulation conformity certificates, announcing regulation conformity and sticking regulation conformity marks on these products.

2. Organizations and individuals that produce and trade in products on the list referred to in Clause 3, Article 6 of this Circular may circulate the products on the domestic market only after announcing regulation conformity and sticking regulation conformity marks on these products.

3. Organizations and individuals may not circulate on the domestic market products not subject to regulation conformity certification specified in Article 7, and products not subject to regulation conformity announcement specified in Article 8 of this Circular.

4. Organizations and individuals that produce and trade in products already certified or announced as regulation conformable shall continuously sustain the quality of products as certified or announced and take responsibility before law for the quality of products they supply.

5. In the course of producing or marketing products, if detecting that their products are unconformable with relevant technical regulations already certified or announced, organizations and individuals shall:

- a/ Promptly notify such unconformity to management agencies;
- b/ Take measures to redress such unconformity. When necessary, stop marketing the products and recall them;
- c/ Notify management agencies of results of remedying such unconformity before marketing the products again.

Article 22. Re-grant of regulation conformity certificates

1. Organizations and individuals possessing regulation conformity certificates shall carry out regulation conformity certification procedures again in the following cases:

- a/ There are changes in the appellations, codes or versions of the products;
- b/ There are changes in the products' technical designs, resulting in changes in their technical specifications;
- c/ There are changes in applied technical regulations; or there are changes in radio frequency master plans (for radio equipment);
- d/ The certificates expire;
- e/ The certificates are invalidated (after the reasons for invalidation are remedied).

2. Procedures for re-grant of regulation conformity certificates comply with Chapter II of this Circular.

Article 23. Revocation of regulation conformity certificates and cancellation of the right to use regulation conformity marks

1. Regulation conformity certification organizations shall revoke and invalidate regulation conformity certificates and cancel the right to use regulation conformity marks already granted to organizations and individuals in the following cases:

- a/ Product quality control results show that the products are unconformable with relevant technical regulations as certified;
- b/ Organizations and individuals possessing regulation conformity certificates fail to comply with regulations on regulation conformity certification and use of regulation conformity marks.

2. Organizations and individuals shall return the invalidated regulation conformity certificates (original) to regulation conformity certification organizations and terminate the use of conformity certification marks already granted for products.

Article 24. Re-conducting of regulation conformity announcement

1. Organizations and individuals shall re-conduct regulation conformity announcement when there is any change in the contents of the announced regulation conformity announcement papers.

2. Procedures for re-conducting regulation conformity announcement comply with Chapter III of this Circular.

Article 25. Archival of dossiers and reporting

1. Organizations and individuals shall archive dossiers and produce them to competent state agencies upon request.

2. Dossiers to be archived include:

a/ For products already certified and announced as regulation conformable by the mode stated in Clause 1, Article 15 of this Circular:

- The registered regulation conformity announcement paper;
- A notice of receipt of the regulation conformity announcement paper;
- The regulation conformity certificate;
- Product testing results;
- Specimens of regulation conformity marks already used.

b/ For products already announced as regulation conformable by the mode stated in Clause 2, Article 15 of this Circular:

- The registered regulation conformity announcement paper;
- A notice of receipt of the regulation conformity announcement paper;
- Product testing results;

- Specimens of regulation conformity marks already used.

3. Regulation conformity certification organizations shall make monitoring books and reports to the Telecommunications Department on regulation conformity certification results and grant of regulation conformity marks every six (6) months in the first weeks of the first and third quarters or irregularly upon request. The form of report is provided in Appendix VII to this Circular.

Article 26. Regulation conformity certification organizations' supervision of products certified as regulation conformable

1. Regulation conformity certification organizations' supervision of products certified as regulation conformable aims to examine and monitor the use of regulation conformity marks and product quality maintenance by organizations and individuals with products already certified as regulation conformable.

2. Depending on the mode of regulation conformity certification, regulation conformity certification organizations shall work out supervision plans and contents and report them to the Telecommunications Department, then supervise of products already certified as regulation conformable.

Supervision shall be carried out regularly every twelve (12) months at least or irregularly at the request of competent state agencies or when consumers file complaints about the quality of products certified as regulation conformable.

3. Organizations and individuals producing and trading in products certified as regulation conformable shall collaborate with regulation conformity certification organizations when they conduct supervision under Clause 2 of this Article.

Chapter VI

ORGANIZATION OF IMPLEMENTATION

Article 27. Responsibilities of management agencies

1. The Telecommunications Department shall:

a/ Guide and examine regulation conformity certification organizations and related organizations and individuals in implementing this Circular.

b/ Guide related units in the mode, order and procedures for regulation conformity certification and announcement;

c/ Issue and guide a supervision process for products already certified or announced as regulation conformable;

d/ Guide regulation conformity certification organizations and related organizations and individuals in applying changes related to technical regulations and master plans on radio frequency spectrum;

e/ Issue and carry out procedures for unilateral recognition of foreign testing units for regulation conformity certification. Report the list of recognized testing units to the Ministry of Information and Communications and announce such list;

f/ Publicize on its website information relating to regulation conformity certification and announcement, including regulation conformity certification organizations; testing units; the mode, order, procedures for regulation conformity certification and announcement and places of dossier receipt; grant and revocation of regulation conformity certificates, the right to use regulation conformity marks; and information on regulation conformity announcement activities;

g/ Coordinate with concerned agencies in inspecting and examining regulation conformity certification and announcement for probably unsafe products and goods under the Ministry of Information and Communications' management;

h/ Study and propose appropriate policies on regulation conformity certification and announcement to the Ministry of Information and Communications;

i/ Summarize and report biannually or upon request to the Ministry of Information and Communications on product regulation conformity certification and announcement nationwide.

2. Provincial-level Information and Communications Departments shall:

a/ Inspect and examine the implementation of regulations on regulation conformity certification and announcement by organizations and individuals in localities and sectors under provincial-level Information and Communications Departments' management;

b/ Supervise the use of regulation conformity marks and product quality maintenance by organizations and individuals in localities under provincial-level Information and Communications Departments' management on the basis of regulation conformity announcement papers;

c/ Detect and report problems related to management of regulation conformity certification and announcement activities; report and propose management measures in localities to the Ministry of Information and Communications.

Article 28. Implementation guidance

1. This Circular takes effect on January 1, 2012, and replaces the Minister of Information and Communications' Circular No. 06/2009/TT-BTTTT of March 24, 2009, on regulation conformity certification and announcement for information technology and communication products.
2. The Chief of the Office, the Director of the Science and Technology Department, the Director of the Telecommunications Department, heads of agencies and units under the Ministry, directors of provincial-level Information and Communications Departments, and related organizations and individuals shall implement this Circular.
3. Any problems arising in the course of implementation should be promptly reported to the Ministry of Information and Communications for consideration and settlement.-

**FOR THE MINISTER OF INFORMATION AND
COMMUNICATIONS
DEPUTY MINISTER**

Nguyen Thanh Hung