

**THE MINISTRY OF
INFORMATION AND
COMMUNICATIONS**

No. 13/2018/TT-BTTTT

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, October 15, 2018

CIRCULAR

LIST OF CYBERINFORMATION SECURITY PRODUCTS IMPORTED UNDER LICENSE, AND PROCEDURES AND APPLICATION FOR ISSUANCE OF LICENSE FOR IMPORT OF CYBERINFORMATION SECURITY PRODUCTS

Pursuant to the Law on Cyberinformation Security dated November 19, 2015;

Pursuant to the Law on Foreign Trade Management dated June 12, 2017;

Pursuant to the Government's Decree No.108/2016/ND-CP dated July 01, 2016 elaborating conditions for provision of cyberinformation security services and products;

Pursuant to the Government's Decree No. 69/2018/ND-CP dated May 15, 2018 on guidelines for the Law on Foreign Trade Management;

Pursuant to the Government's Decree No. 17/2017/ND-CP dated February 17, 2017 defining functions, tasks, entitlements and organizational structure of the Ministry of Information and Communications;

Implementing the Government's Resolution No. 19-2017/NQ-CP dated February 06, 2017 on main duties and measures for improving business environment and enhancing national competitiveness in 2017 and orientation towards 2020;

At the request of the Director of the Authority of Information Security,

The Minister of Information and Communications hereby promulgates a Circular on the list of cyberinformation security products imported under license, and procedures and application for issuance of license for import of cyberinformation security products.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular provides for the List of cyberinformation security products imported under license, and procedures and application for issuance of license for import of cyberinformation security products (hereinafter referred to as “the import license”).

Article 2. Regulated entities

This Circular applies to holders of the license for sale and provision of cyberinformation security products and services that import cyberinformation security products on the List.

Article 3. Cyberinformation security products imported under license

1. The list of cyberinformation security products imported under license is provided in the Appendix I of this Circular.
2. A cyberinformation security product imported under license means a finished device having its technical features and description in accordance with specifications and design, and is able to operate independently. Import licenses are not required for spare parts or accessories of such device.

Article 4. Effective period of the import license

The effective period of an import license is 02 (two) years or is the same as that of the license for sale and provision of cyberinformation security products and services in case the effective period of the latter is less than 02 (two) years.

Article 5. Fees for issuance and issuance of the import license

Each importer of cyberinformation security products shall pay fees for issuance and reissuance of the import license as prescribed in the Circular No. 269/2016/TT-BTC dated November 14, 2016 of the Minister of Finance.

Chapter II

ISSUANCE OF IMPORT LICENSE

Article 6. Issuing authority

The Ministry of Information and Communications (the Authority of Information Security) is the issuing authority.

Article 7. Application for issuance of the import license

An application for issuance of the import license includes:

1. An application form (Form No. 01 in the Appendix II hereof).

2. A copy of the license for sale and provision of cyberinformation security products and services.
3. A certified true copy of the certificate or declaration of conformity. If the copy is not certified, the original thereof shall be presented for comparison.
4. A Vietnamese or English copy of the technical documentation that describes functionality of the product to be imported.

Article 8. Receipt of the application and issuance of the import license

1. The application for issuance of the import license may be submitted:
 - a) directly;
 - b) by using the public post service specified by the Prime Minister, the service surrendered by a third party or with the authorization as prescribed by law soft; or
 - c) electronically.
2. The authority in charge of receiving the application submitted directly or by post is the Authority of Information Security, Floor 8, Building of Authority of Radio Frequency Management, 115 Tran Duy Hung street, Trung Hoa ward, Cau Giay district, Hanoi city.
3. If the application is submitted directly, the receiving date is the date on which the Authority of Information Security directly receives the application.
4. If the application is submitted by post, the receiving date is the date on which the Authority of Information Security receives the application from the postal service provider.
5. If the application is submitted electronically, the Authority of Information Security shall follow the roadmap for providing online public services specified by the Ministry of Information and Communications.
6. The import license shall be received directly at the Authority of Information Security or by post.
7. The import license shall be published on the national single-window portal, national public service portal and web portal of the Ministry of Information and Communications.

Article 9. Appraisal of application for issuance of the import license and issuance of the import license

1. Within 02 (two) working days from the receipt of the application, the Authority of Information Security shall inspect it and send a physical or electronic notification of the adequacy of the application to the applicant as prescribed in Article 7 of this Circular.

2. If the application is unsatisfactory, the applicant shall complete it at the request of the Authority of Information Security.

3. Within 07 (seven) working days from the receipt of the satisfactory application, the Authority of Information Security shall appraise, complete and submit the application for issuance of the import license to the Ministry of Information and Communications.

If all conditions mentioned in Clause 3 Article 48 of the Law on Cyberinformation Security are met, the Ministry of Information and Communications shall issue the import license to the applicant according to the Form No. 03 in the Appendix II hereof.

If all conditions fail to be met, the Ministry of Information and Communications (the Authority of Information Security) shall send a notification specifying reasons for its refusal to issue the import license to the applicant.

Article 10. Reissuance of the import license

1. If the import license remains valid but is lost or damaged, the applicant shall submit an application form for reissuance of the import license according to the Form No. 02 in the Appendix hereof to the Ministry of Information and Communications (the Authority of Information Security).

2. Within 03 (three) working days from the receipt of the satisfactory application form, the Ministry of Information and Communications shall consider reissuing the import license to the applicant.

Chapter III

IMPLEMENTATION CLAUSE

Article 11. Transition clauses

Importers are not required to submit the certificate or declaration of conformity prescribed in Clause 3 Article 7 upon the submission of the application for the import license until the Ministry of Information and Communications promulgates the list of national technical standards or regulations on cyberinformation security products.

Article 12. Implementation clause

1. This Circular comes into force from December 01, 2018.

2. The Chief of Office, heads of affiliates of the Ministry of Information and Communications and relevant organizations and individuals are responsible for the implementation of this Circular.

3. Difficulties that arise during the implementation of this Circular should be promptly reported to the Ministry of Information and Communications (the Authority of Information Security) for consideration./.

ACTING MINISTER

Nguyen Manh Hung

APPENDIX I

LIST OF CYBERINFORMATION SECURITY PRODUCTS IMPORTED UNDER LICENSE
(Enclosed with the Circular No. 13/2018/TT-BTTTT dated October 15, 2018 of the Minister of Information and Communications)

HS Code	Name and description	Description of cyberinformation security functions
8471	Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included.	
8471.30	- Portable digital automatic data processing machines, weighing not more than 10 kg, consisting of at least a central processing unit, a keyboard and a display:	
8471.30.90	- Other	- Used for cyberinformation security testing and evaluation: scan, test and analyze the configuration, status and log data of the information system; detect and identify vulnerabilities; make information security risk assessment. - Used for cyberinformation security supervision: supervise and analyze

		<p>electronic data; collect and analyze real-time log data; detect and give warning of potential risks or events that may threaten the information security;</p> <p>- Used for attack and hacking combat: save the information system from attack and hacking.</p>
8471.41	- - Comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined:	
8471.41.90	- - - Other	<p>- Used for cyberinformation security testing and evaluation: scan, test and analyze the configuration, status and log data of the information system; detect and identify vulnerabilities; make information security risk assessment.</p> <p>- Used for cyberinformation security supervision: supervise and analyze electronic data; collect and analyze real-time log data; detect and give warning of potential risks or events that may threaten the information security;</p> <p>- Used for attack and hacking combat: save the information system from attack and hacking.</p>
8471.49	- - Other, presented in the form of systems:	
8471.49.90	- - - Other	<p>- Used for cyberinformation security testing and evaluation: scan, test and analyze the configuration, status and log data of the information system; detect and identify vulnerabilities; make information security risk assessment.</p> <p>- Used for cyberinformation security supervision: supervise and analyze electronic data; collect and analyze real-time log data; detect and give warning of potential risks or events that may threaten</p>

	the information security; - Used for attack and hacking combat: save the information system from attack and hacking.
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APPENDIX II

(Enclosed with the Circular No. 13/2018/TT-BTTTT dated October 15, 2018 of the Minister of Information and Communications)

Form No. 01	Application form for issuance of license for import of cyberinformation security products
Form No. 02	Application form for reissuance of license for import of cyberinformation security products
Form No. 03	License for import of cyberinformation security products

Form No. 01

(NAME OF THE APPLICANT)

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.

.....(Place name), date (dd/mm/yyyy)

APPLICATION FORM FOR ISSUANCE OF LICENSE FOR IMPORT OF CYBERINFORMATION SECURITY PRODUCTS

To: The Ministry of Information and Communications (the Authority of Information Security)

- Pursuant to the Law on Cyberinformation Security dated November 19, 2015;
- Pursuant to the Law on Foreign Trade Management dated June 12, 2017;
- Pursuant to the Government's Decree No. 108/2016/ND-CP dated July 01, 2016 elaborating conditions for provision of cyber information security services and products;
- Pursuant to the Government's Decree No. 69/2018/ND-CP dated May 15, 2018 on guidelines for the Law on Foreign Trade Management;

- Pursuant to the Circular No. /2018/TT-BTTTT dated ..., 2018 of the Minister of Information and Communications on the list of cyberinformation security products imported under license, and procedures and application for issuance of license for import of cyberinformation security products;

(Name of the applicant) kindly requests the Ministry of Information and Communications to issue the license for import of cyberinformation security products as follows:

Part 1. General information

- 1. Name of the applicant:
- 2. Legal representative:
- 3. Enterprise registration certificate No. issued by on (dd/mm/yyyy) at (Place name)
- 4. Address of the headquarters:
- 5. Telephone:
- 6. Email:
- 7. License for sale and provision of cyberinformation security products and services No. issued by the Minister of Information and Communications on (dd/mm/yyyy)

Part 2. Imports

- 1. Name of the product:
- 2. Symbol:
- 3. Information security functions:
- 4. Quantity:
- 5. Manufacturer:

(In case of multiple products, a list thereof shall be enclosed)

- 6. Purpose of import:.....

Part 3. Enclosures

- 1.....

2.....

3.....

.....

Part 4. Commitment

(Name of the applicant) is hereby committed to comply with all regulations of the State and the Ministry of Information and Communications on import of cyberinformation security products./.

LEGAL REPRESENTATIVE OF THE APPLICANT

(Signature, full name, title and seal)

Form No. 02

(NAME OF THE APPLICANT)

No.

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

.....*(Place name), date (dd/mm/yyyy)*

APPLICATION FORM FOR REISSUANCE OF LICENSE FOR IMPORT OF CYBERINFORMATION SECURITY PRODUCTS

To: The Ministry of Information and Communications (the Authority of Information Security)

- Pursuant to the Law on Cyberinformation Security dated November 19, 2015;
- Pursuant to the Law on Foreign Trade Management dated June 12, 2017;
- Pursuant to the Government's Decree No. 108/2016/ND-CP dated July 01, 2016 elaborating conditions for provision of cyber information security services and products;
- Pursuant to the Government's Decree No. 69/2018/ND-CP dated May 15, 2018 on guidelines for the Law on Foreign Trade Management;
- Pursuant to the Circular No. /2018/TT-BTTTT dated ..., 2018 of the Minister of Information and Communications on the list of cyberinformation security products imported under license,

and procedures and application for issuance of license for import of cyberinformation security products;

(Name of the applicant) kindly requests the Ministry of Information and Communications to reissue the license for import of cyberinformation security products as follows:

1. Name of the applicant:
2. Legal representative:
3. Address of the headquarters:
4. Telephone: 5. Email:
6. The License for import of cyberinformation security products No. ... issued by the Ministry of Information and Communications on (dd/mm/yyyy)
7. Reason for applying for reissuance of the license:

(Name of the applicant) is hereby committed to comply with all regulations of the State and the Ministry of Information and Communications on import of cyberinformation security products./.

**LEGAL REPRESENTATIVE OF THE
APPLICANT**

(Signature, full name, title and seal)

Form No. 03

**THE MINISTRY OF
INFORMATION AND
COMMUNICATIONS**

No. /GP-BTTTT

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, date (dd/mm/yyyy)

LICENSE FOR IMPORT OF CYBERINFORMATION SECURITY PRODUCTS
(Valid until (dd/mm/yyyy))

THE MINISTER OF INFORMATION AND COMMUNICATIONS

- Pursuant to the Law on Cyberinformation Security dated November 19, 2015;

- Pursuant to the Law on Foreign Trade Management dated June 12, 2017;
- Pursuant to the Government's Decree No. 108/2016/ND-CP dated July 01, 2016 elaborating conditions for provision of cyber information security services and products;
- Pursuant to the Government's Decree No. 69/2018/ND-CP dated May 15, 2018 on guidelines for the Law on Foreign Trade Management;
- Pursuant to the Government's Decree No. 17/2017/ND-CP dated February 17, 2017 defining functions, tasks, entitlements and organizational structure of the Ministry of Information and Communications;
- Pursuant to the Circular No. /2018/TT-BTTTT dated ..., 2018 of the Minister of Information and Communications on the list of cyberinformation security products imported under license, and procedures and application for issuance of license for import of cyberinformation security products;
- In view of the application form for issuance/reissuance of license for import of cyberinformation security products dated ... of *(name of the importer)*;
- At the request of the Director of the Authority of Information Security,

HEREBY DECIDES:

Article 1. *(Name of the importer)*, holder of the Enterprise registration certificate No. ... issued by ... on (dd/mm/yyyy) and the License for sale and provision of cyberinformation security products and services No. ... issued by the Minister of Information and Communications on (dd/mm/yyyy) is allowed to import the following cyberinformation security product(s):

1. Name of the product:
2. Symbol:
3. Information security functions:
4. Quantity:
5. Manufacturer:
6. Purpose of import:.....
7. HS Code:

(If multiple products are imported, a list thereof shall be enclosed)

Article 2. *(Name of the importer)* must comply with all regulations set forth in the Circular No. /2018/TT-BTTTT dated ..., 2018 of the Minister of Information and Communications on the list of cyberinformation security products imported under license, and procedures and application for issuance of license for import of cyberinformation security products and other relevant regulations of law.

Article 3. This License comes into force from the date of signature and remains valid until (dd/mm/yyyy)/.

THE MINISTER

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