

No.: 15/2018/TT-BTTTT

Ha Noi, November 15, 2018

CIRCULAR

Amending and supplementing a number of contents of the Circular No. 30/2011/TT-BTTTT dated October 31, 2011 of the Minister of Information and Communications providing for regulation conformity certification and regulation conformity announcement Products and goods specialized in information technology and communication.

Pursuant to the November 23, 2019 Law on Telecommunication

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. 127/2007/NĐ-CP of August 1, 2007, detailing a number of articles of the Law on Standards and Technical Regulations; Government's Decree No.78/2018/NĐ-CP of May 16, 2018 amending and supplementing a number of articles of the Government's Decree No. 127/2007/ND-CP of August 1, 2007, detailing the implementation of a number of articles of the Law on Standards and Technical Regulations;

Pursuant to the Government's Decree No. 132/2008/NĐ-CP of December 31, 2008, detailing a number of articles of the Law on Product and Goods Quality; the Government's Decree No. 74/2018/NĐ-CP of May 15, 2018 amending and supplementing a number of articles of the Government's Decree No. 132/2008/NĐ-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/NĐ-CP of April 6, 2011, detailing and guiding a number of articles of the Law on Telecommunications; The Government's Decree No. 81/2016/NĐ-CP of July 01, 2016, detailing and guiding a number of articles of the Law on Telecommunications and the Government's Decree No. 49/2017/NĐ-CP of April 24, 2017 amending and supplementing Article 15 of the Government's Decree No. 25/2011/NĐ-CP of April 06, 2011, detailing and guiding the implementation of a number of articles of the Law on Telecommunications and Article 30 of the Government's Decree No. 174/2013/NĐ-CP of

November 13, 2013 providing the sanctioning of administrative violations in the fields of post, telecommunications, information technology and radio frequencies;

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

At the proposal of the director of the Telecommunications Department and the director of Department of Legal Affairs

The Minister of Information and Communications issued the Circular amending and supplementing a number of contents of the Circular No. 30/2011 / TT-BTTTT dated October 31, 2011 of the Minister of Information and Communications providing for Regulatory certification and regulation conformity announcement for products and goods specialized in information technology and communication.

Article 1: Amending and supplementing a number of contents of the Circular No. 30/2011/TT-BTTTT dated October 31, 2011 of the Minister of Information and Communications providing for Regulatory certification and regulation conformity announcement for products and goods specialized in information technology and communication.

1. Amending and supplementing Clause 2 of Article 5 as follow:

“2. The testing unit in service of Declaration of Conformity is a designated or recognized testing unit or a unit having registered for testing operation under Government’s Decree No. 107/2016/ND-CP dated July 1, 2016 providing on conditions for conducting conformity assessment services business.”

2. Amending and supplementing Article 6 as follow:

“**Article 6.** List of products, goods and forms of management

1. List of products, goods liable to cause unsafety under the management responsibilities of the Ministry of Information and Communications, including:

a) List of equipment in information technology and telecommunication industries mandatorily required Type Approval Certification and Declaration of Conformity.

b) List of equipment in information technology and telecommunication industries mandatorily required Declaration of Conformity.

2. Products, goods in “List of equipment in information technology and telecommunication industries mandatorily required Type Approval Certification and Declaration of Conformity” must be subjected to Type Approval Certification, Declaration of Conformity and

stick regulation conformity marks.

3. Products, Goods in “List of equipment in information technology and telecommunication industries mandatorily required Declaration of Conformity” must be subjected to Declaration of Conformity and stick regulation conformity marks.

3. Supplementing Clause 4 of Article 7 as follow:

“4. Cases exempted from Imported Product Quality Registration under Clause 7, Article 7 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 supplemented in Clause 3, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018”

4. Amending, supplementing Clause 2 and supplementing Clause 3 of Article 8 as follow:

“2. Product, Good are not radio transmitters, transceivers produced in country or imported for using by producers and importers”.

3. Cases exempted from Imported Product Quality Registration under Clause 7, Article 7 of Decree No. 132/2008 /NĐ-CP dated November 31, 2008 supplemented in Clause 3, Article 1 of Decree 74/2018/NĐ-CP dated May 15, 2018.

5. Amending, supplementing Article 11 as follow:

“ Article 11: Method of Type Approval Certification

Type Approval Certification shall be effected according to Mode 1 and Mode 5 specified in Article 5 of Circular No. 28/2012/TT-BKHCN dated December 12, 2012 of the Ministry of Science and Technology providing for standard conformity announcement, conformity announcement and method of conformity assessment with standards and technical regulations, specifically as follows:

- Method 1: Testing typical sample

This method applies to domestically produced products of units having certificates of quality management system of products and imported products.

- Method 5: Testing typical sample and assessing production process; supervising through testing the original sample at manufacturer or in the market and combine with the production process assessment.

This method applies to domestically manufactured products of organization which do not have certificates of quality management system .

6. Amending Clause 2 of Article 13 as follow:

“2. Type approval certification organizations shall examine dossiers and grant type

approval certificate within seven (7) working days after receiving a complete and valid dossier under Clause 1, Article 14 of this Circular. In case of refusal, type approval certification organizations shall notify such in writing to applicants, clearly stating the reason.

7. Amending, supplementing the Points b, c, d, đ of Clause 1 and Clause 2 of Article 14 as follow:

“1. A dossier of request for Type Approval Certification includes:

b) If the organization does not have a business identification number or an individual who does not have a personal identification number, the organization or individual shall file a certified copy or a copy together with the original to check one of the following documents:

b.1. Business registration certificate; Decision/ License for establishment of company; Investment Registration Certificate/ Investment Registration License (for organizations without Tax Registration Number);

b.2. Identification Card/ Passport (For individuals who do not have a personal identification number).

Organizations and individuals shall submit only the components of this dossier when subject type approval certification for the first time or the above - said papers are changed.

c) The testing results of the test unit specified in Clause 1, Article 5 of this Circular shall be granted to organizations, individuals or manufacturers or authorized representatives of the manufacturers;

d) Product technical documents in Vietnamese or English showing the full contents: Name, Model Name and Product Technical Informations, the outside photo, Name of manufacturer;

đ) Related documents depending on the method of type approval certification: Valid copies of product quality management system certification (for domestically manufactured products certified according to method 1); Process of production and supervision to ensure product quality (in case of domestically produced products certified by method 5).

2. Organizations and individuals shall submit 01 dossier set to the type approval certification organization as follows:

a) Directly or through the postal system to the the type approval certification body address;

b) Via the Electronic Information Portal, published by the Telecommunications Authority (vnta.gov.vn)

8. Amending, supplementing Article 15 as follow:

“ Article 15: Method of Declaration of Conformity

1. For products, goods listed at Point b, Clause 1 of Article 6 of this Circular, Organization and individuals shall implement Declaration of Conformity according to Self-Declaration of Conformity of themselves or certificate result of approval certification unit or recognized certification organizations according to provision of law. Domestically produced products shall implement with Point a or Point b, Clause 2, Article 4 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 amended in Clause 2, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018, Imported products shall implement with Point a or Point b, Clause 2, Article 7 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 amended in Clause 2, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018.

2. For products and goods listed at Point a, Clause 1, Article 6 of this Circular, organizations and individuals shall implement Declaration of Conformity according to certification results of registered organizations or recognized organizations according to the provisions of law. Domestically produced products shall comply with Point b, Clause 2, Article 4 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 amended in Clause 2, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018. Import goods shall comply with Point b, Clause 2, Article 7 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 amended in Clause 3, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018.

9. Amending, supplementing Article 16 as follow:

“Article 16. Process and procedures for Declaration of Conformity

1. For domestically produced Products:

Organizations and individuals shall prepare dossiers of declaration of conformity according to the provisions of Clause 1 of Article 17 and send one (01) dossier set to the Telecommunication Authority according to Clause 2, Article 17 of this Circular.

2. For Imported Products:

a) Organizations, individuals shall submit their Imported Product Quality Registration according to the provisions of Point a, Clause 2a, Article 7 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 supplemented in Clause 3, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018 and send one set (01) to Telecommunications Authority under Clause 2, Article 17 of this Circular.

Within one (01) working day, Telecommunications Authority shall confirm that organizations, individuals registered imported product quality on imported product quality registration form.

b) Organizations, individuals shall submit their Imported Product Quality Registration Form notified by Authority to the customs offices for customs clearance.

c) Within fifteen (15) working days from the customs clearance date, importing organizations and individuals shall submit to the Telecommunications Authority the results of self-Declaration of Conformity according to the provisions of Point d, Clause 1, Article 17 of this Circular. (in case of Declaration of Conformity under Point a, Clause 2, Article 7 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 amended in Clause 3, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018) or certification result according to the provisions of Point d, Clause 1, Article 17 of this Circular is issued by a certification organization or recognized certification organization under provisions of law (in case of Declaration of Conformity under Point b, Clause 2, Article 7 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 amended in Clause 3, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018).

d) For products and goods exempted from Type Approval Certification as provided in Article 7 and exempted from Declaration of Conformity as prescribed in Clauses 1 and 3, Article 8 of this Circular, organizations and individuals are not required to perform The contents specified at Points a, b and c of this Clause;

For products and goods exempt from Declaration of Conformity as prescribed in Clause 2, Article 8 of this Circular, organizations and individuals send documents about purpose using of products, goods and shall not have to comply with the contents prescribed at Point c of this Clause.

đ) Applying the measure of exemption for imported product quality registration under the provisions of Clause 8, Article 7 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 supplemented in Clause 3, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018.

3. A dossier of Declaration of Conformity shall be handled as follows:

a) For incomplete declaration of conformity dossiers as provided in Article 17 of this Circular, within three (03) working days after receiving dossiers of Declaration of Conformity, the Telecommunications Authority shall notify in document request for supplementation of the prescribed papers to organizations and individuals submit declaration of conformity. After a period of fifteen (15) working days from the date the Authority sends a document request, the dossier of Declaration of Conformity shall not be fully supplemented as prescribed, the Authority shall have the right to cancel the handling of with this profile.

b) For complete dossier as prescribed in Article 17 of this Circular, within 5 working days after receiving dossiers, the Telecommunication Authority shall organize the examination of the validity of dossiers

b.1. In Cases dossiers complete and valid, the Authority shall issue Letter of Notification for Acceptance of Declaration of Conformity Announcement for organizations and individuals (according to Appendix IV of this Circular).

b.2. In cases dossiers complete but not valid, The Authority shall notify in document to organizations and individuals about reasons for non-receipt of dossiers.

4. The term of Acceptance of Declaration of Conformity Announcement as follow:

a) Three (03) years from the date of Acceptance of Declaration of Conformity Announcement (In case of Declaration of Conformity under Point a, Clause 2, Article 4 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 amended in Clause 2, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018).

b) According to the validity of Type Approval Certificate or valid for three (3) years from the date of Declaration of Conformity Announcement (In case of Declaration of Conformity under Point b, Clause 2, Article 4 of Decree No. 132/2008/NĐ-CP dated November 31, 2008 amended in Clause 2, Article 1 of Decree No. 74/2018/NĐ-CP dated May 15, 2018)

10. Amending, supplementing Point b, c, d, đ, e, Clause 1 and Clause 2, Article 17 as follow:

“1. Declaration of Conformity dossier includes:

b) If the organization does not have a business identification number or an individual who does not have a personal identification number, the organization or individual shall file a certified copy or a copy together with the original to check one of the following documents:

b.1. Business registration certificate; Decision/ License for establishment of company; Investment Registration Certificate/ Investment Registration License (for organizations without Tax Registration Number);

B.2. Identification Card/ Passport (For individuals who do not have a personal identification number).

Organizations and individuals shall submit only the components of this dossier when submitting Declaration of Conformity for the first time or the above - listed papers is subject to change.

c) Regulation conformity mark when implementing Declaration of Conformity Announcement for the first time or Regulation conformity mark changes.

d) For domestically produced products or imported products listed at Point a, Clause 1, Article 6 of this Circular: a copy of a Type Approval certificate is issued for:

d.1. Manufacturers (for domestically produced products)

d.2. Importers or manufacturers or authorized representative of manufacturers (for imported products)

đ) For domestically produced products or imported Products listed at Point b, Clause 1, Article 6 of this Circular:

đ.1. Self-Declaration of Conformity include as follow information:

đ.1.1. Name of Organization/ Individuals; Address; Tel; Fax;

đ.1.2. Name of Products/ Goods;

đ.1.3. Mode of technical Standards;

đ.1.4. Conclusion of products/ goods comply with technical standards;

đ.1.5. Committing quality of products, goods to complying applicable technical standards and regulations and taking full responsibilities for quality of products, goods and self-Declaration of Conformity to the current Vietnamese Laws

đ.1.6. Self-Declaration of Conformity bases on the performance results of the organization or individual or base on evaluation report of the registered conformity assessment organization.

đ.2. Product test results of test units specified in Clause 2 of Article 5 of this Circular issued to

đ.2.1. Domestic producers (for domestically produced products)

đ.2.2. Importers, or manufacturers, or authorized representative of manufacturers (for imported products)

đ.3. English or Vietnamese technical specification documents show fully contents: Name, Model name and technical information product, external photo, manufacturer name;

2. Organizations and individuals submit dossiers to the Telecommunications Authority as follows:

a) Directly or through the postal system to the address published by the Vietnam Telecommunications Authority on the website of the Authority (vnta.gov.vn)

b) Via the electronic portal provided by the Telecommunications Authority, guided on the website of the Authority (vnta.gov.vn).”

11. Amending and supplementing Article 22 as follow:

“Article 22: Validity and Re-grant of Type Approval Certificate”

1. In the following cases, Type Approval certificate shall expire:

a) Name, Model Name, versions of certified products changed;

b) Has changes in the products' technical designs, resulting in changes in their technical specifications;

c) There are no suitable evaluation results as provided for in Article 26 of this Circular;

d) The certificates expire;

2. Procedures for re-grant of Type Approval Certificate comply with Chapter II of this Circular.

12. Amending and supplementing Clause 1 of Article 24 as follow:

“1. Organizations and individuals shall re-conduct Declaration of Conformity when there is any changes in the contents of Declaration of Conformity or Acceptance of Declaration of Conformity expire. In case the content of Declaration of Conformity change due to changed applicable technical regulations, the provisions of new technical regulations shall apply.

13. Substituting “Type Approval Application form” provided in Appendix II to form No. 01 in Appendix issued together this Circular,

14. Substituting "Type Approval Application form" provided in Appendix II to form No. 02 in Appendix issued together this Circular.

15. Substituting "Acceptance of Declaration of Conformity Announcement form" provided in Appendix III to form No. 03 in Appendix issued together this Circular.

16. Terminating Clause 8 of Article 2, Clause 3 of Article 5, Clause 3 of Article 13, Point a of Clause 1 of Article 23, Point d, đ of Clause 1 of Article 27.

Article 2. Implementing organizations

The director of the Telecommunications Department, heads of the agencies and units under the Ministry of Information and Communications, directors of under central provincial-level Information and Communications Departments, and related organizations and individuals shall implement this Circular.

Article 3. Implementation article.

1. This Circular takes effect on January 01, 2019

2. Acceptance of Declaration of Conformity Announcements issued before the effective day of this Circular shall continue to be implemented up to the end of the value of Acceptance of Declaration of Conformity

Article 4. Implementation Responsibility

Any problems arising in the course of implementation should be promptly reported to the Ministry of Information and Communications (Telecommunication Authority) for consideration and settlement.

To:

- *Prime Minister, Deputy Prime Ministers (for report);*
- *Office of the Party Central Committee;*
- *Office of the General Secretary;*
- *Congress office;*
- *Office of the President;*
- *the Government's Ministries and ministerial-level agencies;*
- *The Supreme People's Procures of Viet Nam*
- *The Supreme People's Court;*
- *State Audit Office of Viet Nam*
- *People's Committees of provinces and centrally-run cities;*
- *Ministry of Information and Communications: ministers and deputy ministers, affiliated agencies and units, e-Portal;*
- *Department of Information and Communication of provinces and centrally-run cities;*
- *Department of Legal Document Inspection - Ministry of Justice;*
- *Announcement;*
- *Government Portal;*
- *Save: VT, CVT.250.*

THE MINISTER OF INFORMATION AND COMMUNICATIONS

NGUYEN MANH HUNG



Appendix

(Issued together Circular No. 15/2018/TT-BTTTT dated 15/11/2018 of the Minister of Information and Communications)

Form No.01	Applying Type Approval Certification
Form No.02	Declaration of Conformity
Form No. 03	Acknowledge of Declaration of Conformity



(Name of Organization,
Individual)

SOCIALIST REPUBLIC OF VIET NAM

Independence – Freedom - Happiness

No.:.....

....., Date monthyear

APPLY FOR TYPE APPROVAL CERTIFICATE

To: *(Name of Organization applying Type Approval Certificate)*

1. Name of Organizations, Individuals applying for Type Approval Certificate:

2. Address:

Phone:

Fax:

Business identification number / Personal identification number:

Address of manufacturing facility (In the case of domestic production):

Name of Contact Person:

Phone:

3. Product proposed for Type Approval Certificate

a) Product Name:

b) Model Name:

c) Manufacturer, Place of Manufacturer:

4. Test Results: *(Name testing unit, address of testing unit; Number of testing report; issued date of testing report)*

5. Applicable technical regulations, applicable standards:

6. Attached technical document: *(list attached document)*

We commit to comply with the regulations of the Ministry of Information and Communication on technical regulation conformity certification and regulations on product quality management

Representative of Organizations, Individuals applying for Type Approval Certificate



SOCIALIST REPUBLIC OF VIET NAM

Independence – Freedom - Happiness

Declaration of Conformity

No.

Name of Organization, Individual:

.....
.....

Address:.....

Business identification number / Personal identification number:

Phone: Fax:

E-mail.....

ACKNOWLEDGE:

Product Name:

Model Name:

Manufacturer, Place of Manufacturer:

.....

Comply with technical regulations, standards:

.....
.....

Pursuant to Type Approval Certificate/ Product test results No.:

Dated:

....., *date* ... *month* ... *year*.....

**Representative of Organizations, Individuals
applying for Declaration of Conformity**



**THE MINISTRY OF INFORMATION
AND COMMUNICATIONS
TELECOMMUNICATION
AUTHORITY**

**SOCIALIST REPUBLIC OF VIET NAM
Independence – Freedom - Happiness**

....., *Date* *month* *year*.....

No.:.....

ACKNOWLEDGE OF DECLARATION OF CONFORMITY

The Telecommunications Authority has confirmed that it has received the Declaration of Conformity No. Date month.... year.... Of:
(Name of Organization, Individual)

.....

Address:

For Product. (*Name; Model; Manufacturer, Place of Manufacturer*).....

.....

Comply with technical regulations, standards:.....

.....

.....

Valid to date: ...(1)...

Acknowledge of Declaration of Conformity shall only recognize the commitment of the organization or individual that has no validation value for the product in conformity with relevant technical regulations and standards. Organizations and individuals must be fully responsible for the suitability of the products they produce and trade.

To:

- Organization, Individual;
- Telecommunication Authority.

**Authorized representative of
Telecommunications Authority**
(sign, Position, seal)

Note (1): The validity term of a acknowledge of Declaration of Conformity is prescribed in Clause 9, Article 1 of this Circular.

