

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 25/2018/ND-CP

Hanoi, February 28, 2018

DECREE

ON AMENDMENTS TO GOVERNMENT’S DECREE NO. 60/2014/ND-CP DATED JUNE 19, 2014 ON PRINTING

Pursuant to the Law on Government Organization dated June 19, 2015;

At the request of the Minister of Information and Communications;

The Government promulgates a Decree on amendments to Government's Decree No. 60/2014/ND-CP dated June 19, 2014 on printing.

Article 1. Amendments to certain articles of Government's Decree No. 60/2014/ND-CP dated June 19, 2014 on printing

1. Clause 1 Article 1 shall be amended as follows:

“1. This Decree sets forth printing, including: operating conditions of printing establishments; prepress, press and postpress; reproduction (below referred to as photocopying); import and management of equipment of printing industry.

The prepress, press and postpress of printed products shall be done in accordance with law on publishing.”

2. Article 3 shall be amended as follows:

“Article 3. State policies toward printing

1. Encourage and give preferential treatment to investment in the application of printing technologies, techniques and equipment that are efficient in energy, materials and labor and eco-friendly; restrict the use, and prohibit the manufacture and import, of printing equipment using obsolete and polluting technologies.

2. Adopt investment, tax and land rental incentives for printing serving political, national defense, security and other important tasks of the country in accordance with law”.

3. Clause 1 and Clause 4 Article 8 shall be amended as follows:

a) Clause 1 shall be amended as follows:

“1. Printing establishments and photocopying establishments operating in the form of enterprises or public sector entities shall make annual reports or irregular reports at the request of printing authorities.”

b) Clause 4 shall be amended as follows:

“4. Regulated entities, deadlines, report forms and methods of reporting:

a) Regulated entities of reporting and recipients:

Pre-press, press, and postpress establishments affiliated to ministries and central bodies shall send reports in writing using the form prescribed by Ministry of Information and Communications; other pre-press, press and postpress establishments shall send reports in writing using the form prescribed by the People’s Committee of province; photocopying establishments being enterprises must send reports in writing using the form prescribed by the People’s Committee of district (or equivalent); photocopying establishments being households must send reports upon requests of competent authorities;

b) Annually, each People’s Committee of province shall release statistics on printing, photocopying and state management of printing and photocopying in the province, and then send a report using the form prescribed by the Ministry of Information and Communications;

c) Data of the report is collected from January 1 to December 31 of the reporting year;

d) Deadline for report: Entities prescribed in Point a of this Clause (other than photocopying establishments being households) must send a report no later than January 10 of the year succeeding the reporting year; each People’s Committee of province must send a report no later than January 15 of the year succeeding the reporting year;

dd) Report forms and methods of reporting: The report shall be made in form of hard copy which bears seal and signature of the head, in case of organization, or signature of individual; the report shall be sent by post, fax, in person, or via email; if the report is sent via email, it must be in the format of Word or Excel enclosed with Pdf file, which is scanned from the hard copy for comparison and ensuring the accuracy.

If an electronic report system is available, electronic reports are required.”

4. Points b, c and dd Clause 1 Article 11 shall be amended as follows:

a) Points b and c shall be amended as follows:

“b) Having printing equipment to perform at least one of prepress, press and postpress operations in conformity with capacity of the printing establishment and application for printing license or declaration of registration of printing operation prescribed in Article 12 and Article 14 of this Decree;

c) Having legal premises to perform prepress, press and postpress.”

b) Point dd shall be amended as follows:

“dd) Being owned by a Vietnamese organization or individual and headed by a Vietnamese individual who has permanent residence in Vietnam and full legal capacity.”

5. Clause 1, Point b and e of Clause 2, Clause 3 Article 12 shall be amended as follows:

a) Clause 1 shall be amended as follows:

“1. Before commencing operation, a printing establishment that conducts prepress, press and postpress of the products prescribed at Points a and c, Clause 4 Article 2 of this Decree shall send an application for printing license to a printing authority according to the following provisions:

a) A printing establishment owned by a central agency or organization shall send an application through online public service system, by post or delivery service or in person to the Ministry of Information and Communications;

b) Other printing establishment shall send an application through online public service system, by post or delivery service or in person to the People’s Committee of province. An application sent through online public service system must comply with ensure legality in accordance with law on digital signature and relevant regulations;”

b) Point b Clause 2 shall be amended as follows:

“b) A certified copy or a copy enclosed with original of one of the papers: business registration certificate, enterprise registration certificate, investment certificate, tax registration certificate, or establishment decision, in case of public sector entities;

c) Point e Clause 2 shall be amended as follows:

“e) Curriculum vitae of the head of printing establishment using the prescribed form.”

d) Clause 3 shall be amended as follows:

“3. Within 15 days after receiving a duly completed application as prescribed, the printing authority shall grant a license which clearly indicates activities suitable to the printing establishment’s equipment and keep the national printing database updated; if the application is refused, it must provide explanation in writing.

If the application is not duly completed, untruthful or fails to meet the operating conditions prescribed Article 11 of this Decree, it shall be refused.

A printing establishment which is issued with a printing license is not required to register operation as prescribed in Article 14 of this Decree. If a printing establishment applies for both printing license in respect to products prescribed in this Decree and that in respect to printed products for which it is eligible as prescribed in the Law on Publishing, they shall be stated in a single license.”

6. Point a Clause 1 and Clause 3 Article 13 shall be amended as follows:

a) Point a Clause 1 shall be amended as follows:

“a) A printing establishment shall make an application for replacement of a printing license within 7 working days after its printing license is lost or damaged.

If it changes one of the following information: its name; address of its head office; address of its production place; type of business entity; or its head; or it establishes or dissolves a branch; it shall give a notice of change through online public service system, by post, delivery service or in person to the printing authority which has issued the license; the notice thereafter shall be updated to the national printing database;”

b) Clause 3 shall be amended as follows:

“3. A printing license is only revoked upon an IT and communications-related inspection visit.

a) A competent authority/person undertakes an inspection visit to the printing establishment and makes a written certification of its conditions. Within 5 working days from the date on which the written certification is made, the competent authority/person shall send a report to the licensing authority.

b) Within 5 working days from the date on which the aforesaid report is received, the licensing authority shall request the printing establishment to eliminate violations of license conditions leading to license revocation within 30 days.

Upon expiry of 30-day time limit, if the printing establishment fails to eliminate violations of license conditions leading to license revocation, the chief of licensing authority shall issue a decision on license revocation and require it to return the license.

c) In case of license revocation prescribed in Points c and d Clause 2 of this Article, the licensing authority shall issue a decision on license revocation and require the printing establishment to return the license in the following cases: The printing establishment fails to commence operation for more than 12 months after being granted a printing license; the printing establishment terminates operation or is divided, acquired, dissolved or goes bankrupt.”

7. Clause 1, 2, 4 and 5 Article 14 shall be amended as follows:

a) Clause 1 and Clause 2 shall be amended as follows:

“1. Printing establishments that conduct prepress, press and postpress of printed products other than those prescribed at Points a, c and dd, Clause 4, Article 2 of this Decree shall register their operations with printing authorities.

2. Before commencing operation 15 days, a printing establishment shall send 2 declaration forms of registration using the prescribed form to the printing authority as follows:

a) A printing establishment owned by a central agency or organization shall send an application through online public service system, by post or delivery service or in person to the Ministry of Information and Communications;

b) Other printing establishment shall send an application through online public service system, by post or delivery service or in person to the People’s Committee of province.”

b) Clause 4 and Clause 5 shall be amended as follows:

“4. Within 5 working days after having a change in registered information, a printing establishment shall additionally send 2 (two) declaration forms of registration for the changed information using the prescribed form.

5. Within 3 working days after receiving a declaration of registration prescribed in Clause 2 and 4 of this Article, the printing authority shall certify the registration and update information in its database for management; if the declaration is refused, it shall provide explanation in writing.

A declaration of registration or declaration of information change not duly completed as stated in the prescribed form or contains untruthful information shall be rejected.”

8. Clause 5 Article 15 shall be amended as follows:

“5. Fully maintaining dossiers related to products already accepted for prepress, press and postpress within 24 months, from the day on which the printing contract is signed. The dossier to be maintained includes:

a) Original of contract for prepress, press or postpress or printing order prescribed in Clause 1 Article 16 of this Decree;

b) Manuscript of ordered product which bear seal or signature of the entity that placed the printing order, maintained in one of the following forms: Manuscript in normal paper, manuscript in scanned paper, electronic manuscript which is a file contained in a CD, CD-ROM, USB, hard drive or other storage device;

c) Documents in conjunction with ordered products prescribed in Articles 17, 19, 20 and 22 of this Decree;

d) Record book of ordered prepress, press, postpress which are fully completed.”

9. Clause 1, Point a and b Clause 2 Article 16 shall be amended as follows:

a) Clause 1 shall be amended as follows:

“1. Having a printing contract as prescribed by law or a printing order made according to the prescribed form between the printing establishment and an agency, organization or individual that orders prepress, press or postpress (including also increase of quantity for each printed product), specifically:

a) For printed products prescribed in Articles 17, 19 and 20 of this Decree, a printing contract is required.

b) For printed products prescribed in Article 22 of this Decree, a printing order is required.”

b) Point a and b Clause 2 shall be amended as follows:

“a) The manuscript of ordered products bearing a stamp or signature of the ordering party;

b) Papers related to ordered products as prescribed in Articles 17, 19, 20 of this Decree and other papers as prescribed by relevant specialized laws.”

10. Article 19 shall be amended as follows:

“Article 19. Acceptance of prepress, press and postpress of financial invoices, cards and papers with pre-printed face values or for inscription of face values

1. For printed products being financial invoices, in addition to complying with legal provisions on goods sale or service provision invoices, a certified copy of one of the following papers is required:

2. For printed products being cards and papers with pre-printed face values or for inscription of face values.”

11. Point b Clause 2 Article 20 shall be amended as follows:

“b) photos of anti-counterfeiting stamps bearing certification of issuer.”

12. Article 22 shall be amended as follows:

“Article 22. Acceptance of prepress, press and postpress of other printed products

Printing establishments may only accept prepress, press and postpress of products other than those prescribed in Articles 17, 19, 20 for agencies, organizations or individuals when fully meeting the conditions prescribed at Points a, Clause 2, Article 16 of this Decree.”

13. Article 23 shall be amended as follows:

“Article 23. Prepress, press and postpress for foreign countries

1. When an printing establishment receives a direct order of prepress, press or postpress placed by an foreign entity (no presence in Vietnam), it shall observe to the following regulations:

- a) Its head must take legal responsibility for contents of printed products;
- b) Only kinds of products stated in the printing license or certification of registration are accepted;
- c) It must enter into a contract with the entity placed the order. The contract must specify name and address of the foreign entity; description and kinds of printed products, quantity, production place, import date, exporting checkpoint's name, importing country and other details;
- d) Update information of the product to the document recording printed products undergoing prepress, press and postpress”;
- dd) If a printing establishment receives an order of prepress, press, or postpress of newspaper, magazines, leaflets and other printed products with contents of politics, history, geography, religion, Vietnamese administrative divisions, national sovereignty, it shall make a full declaration of the foreign entity’s name and address, description and kinds of printed products, quantity, production place, exporting checkpoint. The declaration shall be sent through the online public service system, by post or delivery service, or in person to the printing authority of province where the printing establishment performs operation within 1 day after the contract is concluded as prescribed in Point c of this Clause;
- e) Export 100% of printed products abroad.

2. When an printing establishment receives an order of prepress, press or postpress from an foreign entity through a Vietnamese intermediary, it shall observe to the following regulations:

- a) Comply with Clause 1 of this Article;
- b) Request the intermediary to furnish customs dossiers presenting the export of 100% of printed products which are thereafter maintained in the printing establishment for 24 months from the exporting date.

3. Orders received from a foreign entity operating in Vietnam shall be treated as the same as those placed by a Vietnamese entity in accordance with this Decree.

4. The entity that enters into the printing contract with printing establishment shall take responsibility for the copyright of printed products.

5. If there is a need to issue or use printed products in Vietnam, the printing establishment or entity placed the order shall conduct the import declaration as per the law.”

14. Point a Clause 2 Article 25 shall be amended as follows:

“a) Other printing establishment shall send an application through online public service system, by post or delivery service or in person to the People’s Committee of district;”

15. Point b Clause 1 and Clause 3 Article 27 shall be amended as follows:

a) Point b Clause 1 shall be amended as follows:

“b) Printers using digital, offset, flexo, gravure, letterpress technology;”

b) Clause 3 shall be amended as follows:

“3. The Minister of Information and Communications shall issue specific regulations on types of printing equipment to be imported in line with the development of printing technology and equipment in each period.

Information about imported printing equipment shall be updated in the national printing database.”

16. Clause 1 and Clause 3 Article 28 shall be amended as follows:

a) Clause 1 shall be amended as follows:

“1. Before importation, the subjects prescribed in Clause 2, Article 27 of this Decree shall make a dossier of application for a license to import printing equipment and send it to the Ministry of Information and Communications.”

b) Clause 3 shall be amended as follows:

“3. Within 5 working days after receiving a complete dossier, the Ministry of Information and Communications shall grant a license to import printing equipment; if refusing to grant such a license, it shall issue a written reply clearly stating the reason.

Application for licensing that contains insufficient information as stated in the prescribed form shall be rejected.”

17. Clause 2 and Clause 3 shall be amended and Clause 5 and 6 shall be added after Clause 4 of Article 30 as follows:

a) Clause 2 and Clause 3 shall be amended as follows:

“2. For color copiers and printers with the color photocopying function, in addition to use registration under Clause 3 of this Article, they must comply with the following provisions:

a) An application for registration must be sent through online public service system, by post or delivery service or in person to the People's Committee of province."

b) Within 5 working days, after receiving a duly completed application, People's Committee of province shall certify the registration in writing; if the application is rejected, it must provide explanation in writing.

3. An application for registration of using color copiers and printers with the color photocopying function shall be made as follows:

a) An application form for registration as prescribed;

b) Copy enclosed with original or certified true copy of import license if it is sent by post or delivery; contract and invoice or lease purchase paper;

c) An application for transfer (in case of registered copier/printer) bearing certification of People's Committee of province which certified its registration before."

b) Clauses 5 and 6 shall be added after Clause 4 as follows:

"5. Transfer of color copiers and printers with the color photocopying function:

If a user of a registered copier/printer wishes to transfer the copier/printer, an application for transfer must be sent to People's Committee of province which certified its registration. The application includes:

a) Two application forms for transfer of copier/printer using as prescribed;

b) Copy enclosed with original or certified true copy of transferee's legal status certificate if it is sent by post or delivery;

c) Original of certification of registration;

d) Within 5 working days from the date on which the application for transfer is received, People's Committee of province which certified its registration shall bear certification in the application for transfer, return 1 certification to the applicant and keep 1 certification, and then update the change in the database; if the application is rejected, it shall provide explanation in writing.

6. Disposal of copier/printer:

A user of registered copier/printer who wishes to dispose of such copier/printer shall give a notice to the printing authority which certified the registration, and the certification of registration shall cease to be effective as a result."

Article 2. Issuance of forms

18 forms shall be issued together with this Decree, including: Application, declaration, list, license, certification, book, report intended for administrative procedures and reporting in printing.

Article 3. Certain articles of Government's Decree No. 60/2014/ND-CP dated June 19, 2014 on printing shall be annulled

Points a, d, e Clause 1, Clause 2 and Clause 3 Article 11; Points c, d, dd Clause 2 and Clause 4 Article 12; Clause 6 Article 14; Point c Clause 2 Article 16; Articles 18, 21 and 24; Clause 5 Article 25; Point a, Point c Clause 1 and Clause 2 Article 27; Point c Clause 2 and Clause 4 Article 28; Clause 4 Article 30; Clause 1 and Clause 4 Article 32 shall be annulled.

Article 4. Entry into force

This Decree comes into force as of May 1, 2018.

Article 5. Transitional regulations

1. Printing establishments holding printing licenses in respect to printed products as set forth in the Law on Publishing that are entitled to prepress, press, postpress of products prescribed in Government's Decree No. 60/2014/ND-CP dated June 19, 2014 on printing and not required to apply for printing license or printing registration.

2. A printing establishment that received order of prepress, press, postpress of printed products (with contract or printing order) before effective date of this Decree shall keep complying with Government's Decree No. Government's Decree No. 60/2014/ND-CP dated June 19, 2014 on printing.

3. An entity which was issued with an import license of printing equipment before effective date of this Decree but has not completed the import procedures shall keep complying with Government's Decree No. Government's Decree No. 60/2014/ND-CP dated June 19, 2014 on printing.

Article 6. Implementation

Ministers, heads of ministerial-level agencies, heads of Governmental agencies, Presidents of People's Committees of provinces and central-affiliated cities and relevant entities shall implement this Decree./.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

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