

THE STATE BANK OF
VIETNAM

No.: 11/2017/TT-NHNN

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

Hanoi, August 30, 2017

CIRCULAR

AMENDMENTS TO THE CIRCULAR NO. 15/2014/TT-NHNN DATED JULY 24, 2014 PROVIDING GUIDANCE ON FOREIGN EXCHANGE MANAGEMENT FOR BUSINESS OF PRIZE-REWARDING ELECTRONIC GAMES FOR FOREIGNERS

Pursuant to the Law on State Bank of Vietnam No. 46/2010/QH12 dated June 16, 2010;

Pursuant to the Law on Credits Institutions No. 47/2010/QH12 dated June 16, 2010;

Pursuant to the Ordinance on Foreign Exchange No. 28/2005/PL-UBTVQH11 dated December 13, 2005 and the Ordinance No. 06/2013/UBTVQH13 dated March 18, 2013 on amendments to the Ordinance on Foreign Exchange;

Pursuant to the Government's Decree No. 86/2013/ND-CP dated July 29, 2013 on business of prize-rewarding electronic games for foreigners and the Government's Decree No. 175/2016/ND-CP dated December 30, 2016 on amendments to the Government's Decree No. 86/2013/ND-CP dated July 29, 2013 on business of prize-rewarding electronic games for foreigners;

Pursuant to the Government's Decree No. 16/2017/ND-CP dated February 17, 2017 defining the functions, tasks, powers and organizational structure of the State Bank of Vietnam;

At the request of the Director of the Foreign Exchange Management Department;

The Governor of the State Bank of Vietnam promulgates a Circular providing amendments to the Circular No. 15/2014/TT-NHNN dated July 24, 2014 providing guidance on foreign exchange management for business of prize-rewarding electronic games for foreigners.

Article 1. Amendments to the Circular No. 15/2014/TT-NHNN dated July 24, 2014 providing guidance on foreign exchange management for business of prize-rewarding electronic games for foreigners (hereinafter referred to as Circular No. 15/2014/TT-NHNN)

1. Amendments to Point c Clause 1 and Clause 2 Article 5:

“c) Receive money via bank transfer from the gambler's foreign account or foreign currency checking account opened at a licensed bank in Vietnam;”

”2. Collections, payments and other foreign exchange transactions concerning currencies of countries that border Vietnam shall be performed in accordance with provisions in bilateral payment agreements signed by and between the State Bank of Vietnam and central banks of such bordering countries. The State Bank of Vietnam shall issue a License to conduct collections, payments and other foreign exchange transactions concerning currencies of the countries that border Vietnam to gambling companies within the scope prescribed in Clause 1 of this Article. Procedures and formalities for issuance, Re-issuance, modification, renewal and revocation of the License shall be performed in accordance with regulations in Article 10, Article 11 and Article 12 herein.”

2. Amendments to Point b Clause 1 Article 6:

“b) Receive money via bank transfer from the gambler’s foreign account or foreign currency checking account opened at a licensed bank in Vietnam;”

3. Addition of the following Article 9a into Article 9:

“Article 9a. Rules for preparing application for License to conduct foreign currency collections, payments and other foreign exchange transactions

1. The gambling company shall by hand or by post send 02 (two) sets of application to the branch of the State Bank of province or central-affiliated city (hereinafter referred to as the provincial branch of the State Bank) where its business location is located.

2. The application must be made in Vietnamese. Documents in foreign language must be translated into Vietnamese and certified by legal representative of the gambling company.

3. If any documents included in the application are copies, the gambling company must submit the copies from master registers or certified copies or copies enclosed with their originals for collation. If a copy is submitted together with its original for collation, the person in charge of collation shall assume responsibility to certify the accuracy of such copy with its original.”

4. Amendments to Clause 1, Clause 3 and Clause 4 Article 10:

“1. When a company operating the prize-rewarding electronic game business wants to conduct foreign currency collections and payments, and other foreign exchange transactions as prescribed herein, it must apply for a License. The application includes:

a) The application form for a License (using the template stated in the Appendix 01 enclosed herewith);

b) The copy of the Investment Certificate or Certificate of Business Registration;

c) The copy of the written approval for prize-rewarding electronic game business given by the competent authority or the copy of the Certificate of eligibility to operate prize-rewarding electronic game business in case the Investment Certificate or the Certificate of Business

Registration does not include the prize-rewarding electronic game business content (if the company is allowed to operate prize-rewarding electronic game business before the date of entry into force of the Decree No. 86/2013/ND-CP) or the copy of the Certificate of eligibility to operate prize-rewarding electronic game business (if the company is allowed to operate prize-rewarding electronic game business after the date of entry into force of the Decree No. 86/2013/ND-CP);

d) The Regulation on internal control of foreign currency revenues and expenditures which is duly signed by the company's legal representative.”

“3. Within duration of 30 (thirty) days from the receipt of the valid application, the State Bank of Vietnam shall consider issuing the License using the template stated in the Appendix 02 enclosed herewith. If an application is refused, the State Bank shall give a written notice specifying reasons of refusal.

If an application is insufficient or invalid, the State Bank shall give a written request for supplementation of the application to the company within 10 (ten) working days from the receipt of the application.

4. The maximum validity of a License may equal to the remaining validity of the Certificate of eligibility to operate prize-rewarding electronic game business or the Investment Certificate or the Certificate of Business Registration which includes the prize-rewarding electronic game business content or the written approval for prize-rewarding electronic game business given by the competent authority. If the company fails to hold a Certificate of eligibility to operate prize-rewarding electronic game business or the Investment Certificate or the Certificate of Business Registration or the written approval for prize-rewarding electronic game business given by the competent authority does not specify a specific period of validity, the License may be valid within maximum duration of 10 years from the effective date of the License.”

5. Amendments to Point a Clause 1, Point b Clause 2 and Points a, d Clause 3 Article 11:

“1. Re-issuance of a License:

a) If a License is lost or damaged due to natural disasters, fire or other objective reasons, the gambling company shall submit an application for re-issuance of a License which specifies reasons for license re-issuance using the template stated in Appendix 03 enclosed herewith;”

“2. Modification of a License:

b) The gambling company that wants to modify the contents of a License must submit an application for modification of a License. The application includes:

(i) The application form for modification of a License, which specifies reasons for license modification using the template stated in the Appendix 03 enclosed herewith;

(ii) Documents proving that contents requiring modification are conformable with regulations in Point a Clause 2 of this Article (if any);”

“3. Renewal of a License:

a) At least 30 (thirty) days before the expiry date of a License issued by the State Bank of Vietnam, the gambling company must carry out procedures for license renewal. The application includes:

(i) The application form for license renewal (using the template stated in the Appendix 03 enclosed herewith);

(ii) Documents mentioned in Points b, c Clause 1 Article 10 herein;

d) The validity of License shall be in conformity with regulations in Clause 4 Article 10 herein;”

6. Addition of the following Clause 5 into Article 14:

“5. Within the scope of its foreign currency capacity, the authorized bank that meets gambling companies’ demand for foreign currency cash shall open specialized foreign currency accounts according to the limit of foreign currency cash in hand in conformity with regulations in Article 8 herein.”

7. Addition of the following Clause 8 into Article 15:

“8. Buy foreign currencies to serve its prize-rewarding electronic game business within the scope of foreign currency collections and payments, and other foreign exchange transactions prescribed in Article 5 herein on the basis of presenting documents proving legal transactions.”

8. Amendments to Clause 1, Point a Clause 3 Article 17, and addition of the following Clause 4 into Article 17:

“1. Transitional deadline:

Companies that are licensed by the State Bank of Vietnam to conduct collections and payments in foreign currency in connection with their prize-rewarding electronic game business for foreigners before the date of entry into force of this Circular shall continue implementing the written approvals given by the State Bank of Vietnam. In case of need, a gambling company may carry out procedures for conversion of the written approval for prize-rewarding electronic game business into a License.”

“3. Application, procedures and formalities for conversion:

a) The application for conversion of a written approval into a license includes:

(i) The application form for conversion into a license (using the template stated in the Appendix 08 enclosed herewith);

(ii) The copy of the Investment Certificate or Certificate of Business Registration;

(iii) The copy of the written approval for prize-rewarding electronic game business given by the competent authority (if the Investment Certificate or the Certificate of Business Registration does not include the prize-rewarding electronic game business content) or the copy of the Certificate of eligibility to operate prize-rewarding electronic game business (if the company is granted a Certificate of eligibility to operate prize-rewarding electronic game business by Ministry of Finance in replacement of the written approval);

(iv) The Regulation on internal control of foreign currency revenues and expenditures which is duly signed by the company's legal representative;

(v) The written approval for conducting collections and payments in foreign currency cash and other foreign exchange transactions;

(vi) The report on foreign currency collections and payments, and other foreign exchange transactions concerning the prize-rewarding electronic game business from the issued date of the written approval by the State Bank using the template stated in Appendix 09 herein;"

"4. The validity of a License shall be in conformity with regulations in Clause 4 Article 10 herein."

Article 2.

The appendixes 01, 02, 03, 04, 06, 07, 08, 09 herein shall supersede the appendixes 01, 02, 03, 04, 06, 07, 08, 09 enclosed with the Circular No. 15/2014/TT-NHNN.

Article 3. Implementation responsibility

Chief of Ministry Office, Director of Foreign Exchange Management Department, heads of relevant units affiliated to the State Bank of Vietnam, Directors of branches of the State Bank in provinces or central-affiliated cities, Chairpersons of the Management Boards, Chairpersons of the Member Boards, General Directors (Directors) of authorized banks, and General Directors (Directors) of gambling companies shall be responsible for implementing this Circular.

Article 4. Implementation provisions

1. This Circular comes into force as from October 15, 2017.

2. This Circular abrogates Article 19 of the Circular No. 29/2015/TT-NHNN dated December 22, 2015 by the Governor of the State Bank of Vietnam on amendments to certain legislative documents by the State Bank of Vietnam providing for application components with copies certifying documents.

3. Within 6 (six) months from the date of entry into force of this Circular, any gambling companies fail to apply for conversion of written approvals into licenses must submit reports on specialized foreign currency accounts to the State Bank of Vietnam (via the Foreign Exchange Management Department) and branches of the State Bank in provinces or central-affiliated cities where their business locations are located in conformity with regulations in Article 6 of the Circular No. 15/2014/TT-NHNN./.

**PP. GOVERNOR
DEPUTY GOVERNOR**

Nguyen Thi Hong