

**THE GOVERNMENT**

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No. 66/2017/ND-CP

**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, May 19, 2017*

**DECREE**

**CONDITIONS FOR SALE OF CAMOUFLAGE DEVICES AND SOFTWARE USED FOR  
SOUND AND VIDEO RECORDING AND POSITIONING**

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

*Pursuant to the Law on National Security dated December 03, 2014;*

*Pursuant to the Law on the People's Public Security Forces dated November 27, 2014;*

*Pursuant to the Law on Investment dated November 26, 2014;*

*Pursuant to the law on amendment to Article 6 and Appendix 4 on the list of conditional business lines stipulated in the Law on Investment dated November 22, 2016;*

*At the request of Minister of Public Security;*

*The Government hereby promulgates the Decree on conditions for sale of camouflage devices and software used for sound and video recording and positioning.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

1. Conditions for sale of camouflage devices and software used for sound and video recording and positioning are security and order conditions for the sale of camouflage devices and software.

2. This Decree provides for security and order conditions, the State management, responsibilities of relevant organizations and individuals, and implementation measures for the sale of camouflage devices and software used for sound and video recording and positioning.

**Article 2. Regulated entities**

This Decree applies to Vietnamese and foreign organizations and individuals related to sale, establishment, licensing, registration and management of the sale of camouflage devices and software used for sound and video recording and positioning.

### **Article 3. Definitions**

For the purposes of this Decree, the terms below shall be construed as follows:

1. “sale of camouflage devices and software used for sound and video recording and positioning” includes: manufacturing, assembly, transport, storage, trading, export, import, leasing, repair of camouflage devices and software used for sound and video recording and positioning.
2. “camouflage device used for sound and video recording” means a sound and video recording device designed to disguise as a normal device or object.
3. “camouflage device used for positioning” means a device that locates the target and is designed to disguise as a normal device and object.
4. “camouflage software used for sound and video recording and positioning” means the software that is designed to disguise as the system software, application, utility or other tools or programmed with codes to secretly film, photograph, record, locate the location of a target.
5. “persons in charge of security and order of business establishments” are:
  - a) Legal representatives or managers of business establishments or proprietors of business establishments whose names are registered in prescribed in Point b, Clause 1, Article 9 of this Decree;
  - b) Persons whose names are prescribed in certificates of satisfaction of security and order conditions for sale of camouflage devices and software used for sound and video recording and positioning (hereinafter referred to as “the certificate of satisfaction of security and order conditions”) upon the authorization of the persons mentioned in Point a of this Clause.

### **Article 4. Rules for operation and management**

1. Comply with the Law on Investment, this Decree and other relevant regulations of law; protect State’s interests, legitimate rights and interests of organizations and individuals.
2. Demonstrate openness and transparency in management; facilitate and ensure security and order in order for business activities to be conducted in an effective manner.

### **Article 5. Prohibited acts**

1. Engaging in business activities in case the certificate of satisfaction of security and order conditions has yet to be received or is revoked.

2. Taking advantage of business activities to commit acts that infringe on security and order.
3. Lending, leasing or trading the certificate of satisfaction of security and order conditions.
4. Forging the certificate of satisfaction of security and order conditions; forging the application for issuance of the certificate of satisfaction of security and order conditions; modifying or erasing information contained in the certificate of satisfaction of security and order conditions.
5. Hindering or failing to comply with regulations on inspection or actions against violations performed by a police authority, army authority or competent authority.
6. Illegally manufacturing, assembling, transporting, storing, trading, exporting, importing, leasing and repairing camouflage devices and software used for sound and video recording and positioning.
7. Abusing position and powers to reject the application for issuance of the certificate of satisfaction of security and order conditions or issuing the certificate of satisfaction of security and order conditions against the regulations in this Decree; hindering, troubling or infringing on the organizations and individuals' freedom of business; screening illegal acts committed by a person who involves in operation of a business establishment.

## **Chapter II**

### **CONDITIONS FOR SECURITY AND ORDER AND PROCEDURES FOR THE ISSUANCE, REPLACEMENT, REISSUANCE AND REVOCATION OF THE CERTIFICATE OF SATISFACTION OF SECURITY AND ORDER CONDITIONS**

#### **Article 6. Conditions for security and order**

1. Conditions prescribed in Article 7 of the Government's Decree No. 96/2016/ND-CP dated July 01, 2016 on security and order conditions for a number of conditional business sectors shall be satisfied.
2. Only the following business establishments are eligible for the sale of camouflage devices and software used for sound and video recording and positioning:
  - a) The business establishment affiliated to the Ministry of Public Security issued with a certificate of satisfaction of security and order conditions by a competent authority affiliated to the Ministry of Public Security;
  - b) The business establishment affiliated to the Ministry of National Defense issued with a certificate of satisfaction of security and order conditions by a competent authority affiliated to the Ministry of National Defense;

c) The business establishment not affiliated to the Ministry of Public Security and the Ministry of National Defense issued with a certificate of satisfaction of security and order conditions by a competent authority of the Ministry of Public Security.

#### **Article 7. The certificate of satisfaction of security and order conditions**

1. The certificate of satisfaction of security and order conditions is a document issued by a competent authority of the Ministry of Public Security and the Ministry of National Defense to a business establishment prescribed in Clause 2, Article 6 of this Decree.

The Minister of Public Security shall specify authorities that have the power to issue certificates of satisfaction of security and order conditions within the People's Public Security Forces. The Minister of National Defense shall specify competent authorities that have the power to issue certificates of satisfaction of security and order conditions within the People's Army.

2. The certificate of satisfaction of security and order conditions is provided in the Form No. 01 the Appendix hereof.

3. The certificate of satisfaction of security and order conditions shall not specify the effective period, except for the following cases:

a) The business establishment has a fixed operating duration in accordance with the law;

b) The license issued by a supervisory authority to the business establishment specifies effective period, the effective period of the certificate of satisfaction of security and order conditions shall not exceed the period specified in such license;

4. The person in charge of security and order of the business establishment shall properly manage the certificate of satisfaction of security and order conditions and present it to the competent police and army authority or regulatory authority upon request.0}

5. The person in charge of security and order of the business establishment shall properly manage the certificate of satisfaction of security and order conditions when business activities of such business establishment are suspended. In the event the business establishment is declared bankrupt or shuts down, the certificate of satisfaction of security and order conditions expires. Within 05 days from the day on which the business establishment is declared bankrupt or shuts down, it must return the certificate of satisfaction of security and order conditions to the competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense that issued the Certificate.

#### **Article 8. Revocation of the certificate of satisfaction of security and order conditions**

A certificate of satisfaction of security and order conditions shall be revoked in the following cases:

1. Permanent revocation:

a) Forged documents are used or false information that falsifies the nature of documents included in the application for issuance of the certificate of satisfaction of security and order conditions is provided;

b) After obtaining the certificate of satisfaction of security and order conditions, the business establishment is discovered that it fails to satisfy the conditions prescribed in this Decree upon the inspection conducted by the competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense but it still fails to perform remedial actions within 40 days from the day on which the written conclusion is made.

c) After 06 months from the day on which the certificate of satisfaction of security and order conditions is issued, the business establishment is inactive;

d) The business establishment is dissolved or declared bankrupt in accordance with law;

dd) Business activities are suspended or the business establishment has any of its documents set forth Point b, Clause 1, Article 19 of this Decree revoked by a competent authority;

e) The certificate of satisfaction of security and order conditions is lent, leased or sold;

g) As business activities of the business establishment are exploited to infringe on the security and order, a certificate of satisfaction of security and order conditions is requested to be permanently revoked by a competent authority.

## 2. Revocation for a period of from 03 to 06 months:

a) The business establishment carries out business activities or has a business location that is not prescribed in the issued certificate of satisfaction of security and order conditions;

b) After 30 days from the day on which an administrative penalty is imposed for failure to maintain its satisfaction of security and order conditions prescribed in Article 6 of this Decree, the business establishment still fails to perform remedial actions;

c) Information contained in the issued certificate of satisfaction of security and order conditions is modified or erased;

d) The business establishment has faced administrative penalties for violations against regulations on security and order 02 times or more per year;

dd) The business establishment has not submitted quarterly reports to the competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense that issued the certificate of satisfaction of security and order conditions for 04 consecutive quarters.

## 3. The competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense that issued the certificate of satisfaction of security and order conditions shall

withdraw the certificate of satisfaction of security and order conditions in cases described in Clause 1 and Clause 2 of this Article by giving the decision on revocation.

After the revocation, the competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense that issued the certificate of satisfaction of security and order conditions must send a written notice to the business registration agency or the competent authority that issued operation license to the business establishment.

### **Article 9. Procedures for issuing the certificate of satisfaction of security and order conditions**

1. The business establishment shall submit an application for issuance of the certificate of satisfaction of security and order conditions, directly or by post, to the competent authority as prescribed in Clause 1, Article 7 of this Decree. The application includes:

- a) An application form (Form No. 02 in the Appendix hereof);
- b) A copy of the certificate of business registration or the certificate of investment registration or the establishment decision;
- c) A demonstration of the camouflage devices and software used for sound and video recording and positioning.
- d) A business plan, including: scope, customers, standards, product quality; technical plan;
- dd) A judicial record of the legal representative, manager, technical staff.

2. Within 20 days from the day on which a valid application is received, the competent authority shall consider, appraise and issue the certificate of satisfaction of security and order conditions. In case of rejection of the application, the competent authority shall provide written explanation. Duration of consideration and appraisal of the application may be extended but must not exceed 20 days and a written notice thereof must be sent to the business establishment.

### **Article 10. Procedures for replacing or reissuing the certificate of satisfaction of security and order conditions**

1. A certificate of satisfaction of security and order conditions is replaced in case it is damaged or its information is incorrect or changed.

An application for replacement includes:

- a) An application form (Form No. 02 in the Appendix hereof) submitted to a competent authority;
- b) Valid copies of documentary evidences for change in information contained in the certificate of satisfaction of security and order conditions (if any);

c) Documents set forth in Point dd, Clause 1, Article 19 of this Decree in case of change of the holder of the certificate of satisfaction of security and order conditions;

d) An original of the issued certificate of satisfaction of security and order conditions.

The certificate of satisfaction of security and order conditions is replaced within 10 days from the day on which a valid application is received.

2. A certificate of satisfaction of security and order conditions shall be reissued in case of loss. An application for reissuance includes:

a) An application form (Form No. 02 in the Appendix hereof);

b) Receipt of payment of fines prescribed by law (if any).

c) The certificate of satisfaction of security and order conditions is reissued within 20 days from the day on which a valid application is received.

3. The issuance of certificate of satisfaction of security and order conditions after being revoked as prescribed in Clause 1, Article 8 of this Decree shall be carried out as follows:

a) Within 06 months from the day on which the certificate of satisfaction of security and order conditions is revoked in the cases set forth in Points b and c, Clause 1, Article 8 of this Decree, the business establishment that wishes to continue its business activities after having satisfied all conditions in this Decree may submit an application for re-issuance of the certificate of satisfaction of security and order conditions to a competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense. The application includes:

- An application form for reissuance of a certificate of satisfaction of security and order conditions submitted by the business establishment to a competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense;

- Valid copies of documentary evidences for the satisfaction of conditions for business activities (if any).

b) After the certificate of satisfaction of security and order conditions is revoked in the cases set forth in Points a and e, Clause 1, Article 18 of this Decree, in case of no change of the person in charge of security and order, the business establishment may submit an application for reissuance of the certificate of satisfaction of security and order conditions after 12 months from the day on which the decision on revocation is made.

The application for reissuance of a certificate of satisfaction of security and order conditions is the same as the application prescribed in Article 9 of this Decree.

c) After the certificate of satisfaction of security and order conditions is revoked in the case set forth in Point g, Clause 1, Article 18 of this Decree, in case of no change of the person in charge

of security and order, the business establishment may submit an application for reissuance of the certificate of satisfaction of security and order conditions after 24 months from the day on which the decision on revocation is issued.

The application for reissuance of the certificate of satisfaction of security and order conditions is the same as the application prescribed in Article 9 of this Decree.

### **Chapter III**

## **RESPONSIBILITIES OF BUSINESS ESTABLISHMENTS AND REGULATORY AUTHORITIES**

### **Article 11. Responsibilities of business establishments**

1. Persons in charge of security and order of the business establishment shall ensure satisfaction of the conditions for security and order, and comply with all regulations on security and order in this Decree and other relevant regulations of law.
2. Within 05 days from the day on which its business is started, the business establishment shall submit a written notice enclosed with a copy of the certificate of satisfaction of security and order conditions to the police authority of the commune where business activities are carried out.
3. Satisfaction of the conditions for security and order shall be regularly maintained during its operation.
4. The business establishment must not take advantage of its business location to perform acts that violate the law, which exerts negative effects on security and order, codes of ethics or fine traditions and customs of the country.
5. Camouflage devices and software used for sound and video recording may be only sold to those allowed to use such by law, including: agencies specialized in national security protection and social order and safety; agencies responsible for implementing measures for secret sound and video recording according to the conditions, competence and procedures for special investigation measures prescribed in the Criminal Procedure Code.
6. Import and export of camouflage devices and software used for sound and video recording and positioning shall comply with regulations set forth in Clause 4, Article 9 of the Government's Decree No. 187/2013/ND-CP dated November 20, 2013.
7. All customer information shall be collected and retained. Any doubtful acts or matters relating to security and order at the business establishment should be promptly reported to police authorities.
8. In case a certificate of satisfaction of security and order conditions is lost, a written notice of the loss must be sent to a competent authority of the Ministry of Public Security or a competent



authority of the Ministry of National Defense that issued the certificate of satisfaction of security and order conditions.

9. The business establishment shall submit quarterly and unscheduled reports on security and order under the guidance of the Ministry of Public Security and the Ministry of National Defense.

10. The business establishment must be subject to the inspection and incur penalties imposed by competent police authorities and regulatory authorities.

11. Employees working in business establishments must be aged 15 or older; have full legal capacity and must not be drug addicts. Business establishments may not employ persons who are under the investigation, prosecution or adjudication; suspended from serving prison sentences; are under conditional parole or serving non-custodial rehabilitation.

12. Within 20 days from the day on which its business is started, the business establishment shall provide the following documents for a competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense that issued the certificate of satisfaction of security and order conditions:

a) A list of its employees;

b) The curriculum vitae and individual declaration of the person in charge of security and order of the business establishment, manager and technical staff of the business establishment, except for the holder of certificate of satisfaction of security and order conditions;

c) Documentary evidences for satisfaction of all conditions prescribed in Article 6 of this Decree;

d) A list of equipment for security (if any);

dd) An application form for replacement or reissuance of a certificate of satisfaction of security and order conditions must be submitted to a competent authority affiliated to the Ministry of National Defense or the Ministry of National Defense that issued the Certificate in the event it is lost, damaged or expired, or the business establishment wishes to make change in information specified in the issued certificate of satisfaction of security and order conditions;

e) The business establishment must send a written notice, clearly stating reasons and period for its suspension within 10 days from the day on which it temporarily suspends its business activities, to a competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense that issued the certificate of satisfaction of security and order conditions and the police authority of the commune where its business activities are carried out.

g) A logbook of business activities shall be prepared using the form promulgated by the Ministry of Public Security and Ministry of National Defense;

h) Fees for appraisal of the application for issuance of the certificate of satisfaction of security and order conditions shall be paid as prescribed by law.

13. The business establishment may only trade camouflage devices and software used for sound and video recording and positioning that have legal origin.

14. Warehouses must be set up in an appropriate and secure manner.

15. Quarterly reports enclosed with the list of agencies buying camouflage devices and software used for sound and video recording and positioning shall be submitted to a competent authority affiliated to the Ministry of Public Security or the Ministry of National Defense that issued the certificate of satisfaction of security and order conditions.

16. The damaged camouflage devices and software used for sound and video recording and positioning must be destroyed.

#### **Article 12. Responsibilities of the Ministry of Public Security**

1. Assist the Government in performing uniform management of the sale of camouflage devices and software used for sound and video recording and positioning.

2. Provide guidance on cooperation in appraising applications before issuance of the certificate of satisfaction of security and order conditions within the licensing power of the Ministry of Public Security.

3. Take charge and cooperate with the Ministry of National Defense, the Ministry of Information and Communications, the Ministry of Industry and Trade, Ministry of Finance, and relevant ministries in managing the sale of camouflage devices and software used for sound and video recording and positioning.

4. Inspect and settle complaints or denunciations about, prevent, discover and take actions against violations of regulations on the sale of camouflage devices and software used for sound and video recording and positioning.

#### **Article 13. Responsibilities of the Ministry of National Defense**

1. Take charge and cooperate with the Ministry of Public Security, the Ministry of Information and Communications, the Ministry of Industry and Trade, and the Ministry of Finance in managing the sale of camouflage devices and software used for sound and video recording and positioning according to regulations of this Decree and other regulations of the relevant laws.

2. Direct cooperation in appraising applications before the issuance of certificates of satisfaction of security and order conditions in the Ministry of National Defense.

3. Inspect and settle complaints or denunciations about, prevent, discover and take actions against violations of regulations on the sale of camouflage devices and software used for sound

and video recording and positioning in the Ministry of National Defense in accordance with regulations of law.

#### **Article 14. Responsibilities of the Ministry of Information and Communications**

Take charge and cooperate with the Ministry of Public Security, the Ministry of National Defense, the Ministry of Industry and Trade, Ministry of Finance, and relevant ministries in establishing and promulgating the technical standards applied to camouflage devices and software used for sound and video recording and positioning.

#### **Article 15. Responsibilities of the Ministry of Finance**

1. Take charge and cooperate with the Ministry of Public Security in collecting, managing, and using fees for appraisal of conditions for security and order in order to issue the certificate of satisfaction of security and order conditions.

2. Cooperate with the Ministry of Public Security and the Ministry of National Defense in inspecting import and export; inspecting and monitoring goods and means of transport, preventing the transport, import, export, temporary import, re-export, temporary export, re-import, and illegal transfer of camouflage devices and software used for sound and video recording and positioning.

3. Cooperate with the Ministry of Public Security and the Ministry of National Defense in inspecting import and export; inspecting and monitoring goods and means of transport; preventing the transport, import, export, temporary import, re-export, temporary export, re-import, and illegal transfer of camouflage devices and software used for sound and video recording and positioning.

#### **Article 16. Responsibilities of Ministries, ministerial agencies, Governmental agencies and People's Committees of central-affiliated cities and provinces**

Within their jurisdiction and power, Ministries, ministerial agencies, Governmental agencies and People's Committees of central-affiliated cities and provinces shall cooperate with the Ministry of Public Security and the Ministry of National Defense in managing the sale of camouflage devices and software used for sound and video recording and positioning; inspecting and taking actions against violations as prescribed by law.

### **Chapter IV**

#### **IMPLEMENTATION**

#### **Article 17. Transition provision**

Within 12 months from the effective date of this, the business establishments engaged in the sale of camouflage devices and software used for sound and video recording and positioning must apply for issuance of the certificate of satisfaction of security and order conditions as prescribed

in this Decree. After the abovementioned duration, in case of failure to obtain a certificate of satisfaction of security and order conditions, the business establishment must stop the sale of camouflage devices and software used for sound and video recording and positioning.

#### **Article 18. Effect**

This Decree comes into force from July 05, 2017. The regulation prescribing that a business establishment may only sell camouflage devices and software used for sound and video recording and positioning to an authority responsible for implementing measures for secret sound and video recording according to regulations of the Criminal Procedure Code set forth in Clause 5, Article 11 of this Decree comes into force from the effective date of the 2015 Criminal Procedure Code.

#### **Article 19. Responsibility for implementation**

1. The Minister of Public Security and the Minister of National Defense shall provide guidelines and inspect the implementation of this Decree.
2. Ministries, heads of ministerial agencies, heads of Governmental agencies, People's Committees of central-affiliated cities and provinces, and relevant organizations, individuals are responsible for implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT  
THE PRIME MINISTER**

**Nguyen Xuan Phuc**