

Legal Update

December 2024

Vietnam's New Telecommunications Decree and Its Impact on Data Centers, Cloud Services, and OTT Communication Providers

Vietnam's Telecommunications Law 2023 introduced a regulatory framework that, for the first time, extends governance to next-generation telecom services such as data centers, cloud computing, and over-the-top (OTT) communication platforms, alongside traditional telecom services like telephone, internet connectivity and data transmission.

On 24 December 2024, the government issued Decree No. 163/2024/ND-CP providing detailed guidelines for implementing the Telecommunications Law (the "**Telecoms Decree**"). The Decree introduces significant compliance obligations for businesses operating in these sectors. Key highlights include

Mandatory registration for data center operators in Vietnam

Data center service providers based in Vietnam are now required to register with the Ministry of Information and Communications (MIC). The registration process includes:

- **Documentation requirements:** Businesses must submit.
 - A completed application form (Form 25 of the Decree).
 - Business or investment registration certificates.
 - A technical plan demonstrating compliance with infrastructure safety, security, and technical standards.
- **Application details:** The application form should include information about the enterprise (name, address, registration details, and contact information), a description of telecommunication services to be offered, and infrastructure specifics (e.g., location, capacity, standards, internet connectivity, and cybersecurity measures).
- **Approval timeline:** The MIC will review applications within three business days and issue a certificate within five business days if the requirements are met. Re-registration is necessary in the event of changes to the company's name or infrastructure.

Notification requirements for OTT communication, cloud, email, voicemail, and enhanced fax services

Providers of OTT communication services (such as messaging and call applications), cloud computing services (SaaS, PaaS, or IaaS), email, voicemail, and enhanced fax services are required to notify the MIC before commencing operations. This obligation applies to both domestic and foreign entities, including those offering cross-border services.

- **Notification dossier:** The submission must include:
 - A notification form (Form 27 of the Decree).
 - Valid business or investment registration documents.
 - A detailed description of service offerings, including the type of service, target customers, system equipment, service quality standards, pricing, and service-level agreements (SLAs).
- **Processing time:** The MIC will review the notification within three business days and publish a list of approved providers on its official website. Any subsequent changes to the provider's name or contact details must also be reported to the MIC.

Effective Date

The Telecoms Decree takes effect on 24 December 2024. Specific provisions governing data centers, cloud computing, and OTT communication services will be enforced starting **1 January 2025**.

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