Sign In

THE NATIONAL ASSEMBLY

Number: 49/2010/QH12

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

Hà Nội ,day 17 month 06 year 2010

LAW

ON POST

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;
The National Assembly promulgates the Law on Post.

Chapter 1

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for postal activities; the rights and obligations of organizations and individuals involved in postal activities and the state management of postal activities.

Article 2. Subjects of application

This Law applies to organizations and individuals that conduct or participate in conducting postal activities in Vietnam.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. Postal activities include activities of investing and commercially dealing in, and providing and using postal services, public postal services and postage stamps.

2. Postal articles include letters and parcels which are accepted, transmitted and delivered lawfully through the post network.

3. Postal service means a service of accepting, transmitting and delivering postal articles by various modes other than electronic ones from the place of the sender to the place of the recipient through the post network.

4. Public postal service means a postal service provided at the request of the State, including universal postal service and postal service for national defense and security tasks and other special tasks.

5. Universal postal service means a postal service constantly provided to the public under weight, quality and postage conditions prescribed by competent state agencies.

6. Letter means communication in written form, with or without an addressee, except for periodicals, books, newspapers and magazines.

7. Unaddressed letter means a letter containing no information on the recipient in the letter itself or on its wrapping, including also letters for advertisement or propaganda.

8. Basic mail service means a mail service involving no element which adds the service value.

9. Post network means a system of facilities dealing with postal articles and postal service points which are linked together by transmission and delivery routes for the provision of postal services.

10. Public post network means a post network invested by the State and assigned to a designated enterprise for management and operation.

11. Postal service point means a place for accepting and delivering postal articles, including post office, kiosk, agent, public letter box and other forms of accepting and delivering postal articles.

12. Public post box means a postal service point in a public post network used for accepting basic letters.

13. Consolidated letter box means a cluster of household letter boxes installed in a place convenient for delivering and receiving postal articles of a high-rise apartment building or office building having many independent addresses.

14. Full postal process means a period of time from the time of acceptance of a postal article to the time of its delivery to the recipient.

15. Information on postal service use includes the contents of a postal article and information on the full names, addresses and telephone numbers (if any) of the sender and recipient and relating information.

16. Postal service user means an organization or individual that uses a postal service, including sender and recipient.

17. Sender means an organization or individual that is named in the section of information on the sender on the postal article and in the contract on provision and use of postal service.

18. Recipient means an organization or individual that is named in the section of information on the recipient on the postal article and the contract on provision and use of postal services.

19. Designated enterprise means a postal service provider designated by the State to perform the public postal obligation and participate in the provision of international postal services and other services within the framework of international agreements of the Universal Postal Union (UPU) and other international agreements on post to which the Socialist Republic of Vietnam is a contracting party.

20. Vietnamese postage stamp means a printed matter issued under a decision of a competent Vietnamese state agency in charge of post for prepaying a postage on the public post network and recognized within the UPU's network.

21. Foreign postage stamp means a printed matter issued by a member country of the UPU for prepaying a postage and recogniz.ed within the UPU's network.

Article 4. Principles of postal activities

1. Assuring security, safety, timeliness, accuracy and convenience in the provision and use of postal services.

2. Guaranteeing letter secrecy under law.

3. Providing postal services under the state-managed market mechanism.

4. Assuring the constant and stable provision of public postal services for the society.

5. Respecting and protecting the legitimate rights and interests of organizations and individuals involved in postal activities.

Article 5. State policies on post

1. To build and develop a modem post sector to serve socio-economic development, maintenance of national defense and security and people's life.

2. To build and perfect a competitive environment under law to encourage all economic sectors to participate in postal activities.

3. To encourage the application of scientific and technological advances and the training of human resources for postal development.

4. To step up international integration and cooperation and realize international commitments in the post sector.

5. To apply incentive mechanisms for the provision of public postal services in areas with difficult socio-economic conditions and areas with exceptionally difficult socio-economic conditions.

Article 6. Cases in which postal articles arc prioritized for acceptance, transmission and delivery in case of emergencies

1. Prevention and combat of fires, natural disasters and other calamities.

2. Prevention and combat of diseases and epidemics.

3. Rescue and salvage.

4. National defense and security.

Article 7. Prohibited acts

1. Sending, accepting, transmitting or delivering postal articles with contents which provoke, undermine security or the great national solidarity or oppose and sabotage the State of the Socialist Republic of Vietnam.

2. Sending, accepting, transmitting or delivering postal articles containing weapons, explosive articles or substances, toxic or radioactive substances, narcotics or disease germs for terrorist purposes or infringing upon the life and property of citizens or causing social disorder and insecurity.

3. Sending, accepting, transmitting or delivering postal articles containing cultural matters which are contrary to social ethics or the fine traditions and customs of Vietnam.

4. Impersonating others while using postal services.

5. Appropriating or stealing postal articles: fraudulently exchanging contents of postal articles.

6. Disclosing information on the use of postal services, opening or destroying postal articles in contravention of law.

7. Damaging public post works; impeding lawful postal activities.

8. Committing unlawful competitive acts in postal activities.

9. Producing, trading in or using Vietnamese and foreign postage stamps in contravention of law.

10. Conducting postal activities in contravention of law.

Chapter II

PROVISION AND USE OF POSTAL SERVICES

Article 8. Contracts on provision and use of postal services

1. A contract on provision and use of postal services means an agreement between a postal service provider and a sender whereby the provider shall accept, transmit and deliver postal articles to a place indicated by the sender and the sender shall pay a postage.

2. A contract on provision and use of postal services shall be made in writing or established by an act. The postmark or information showing the time and place of acceptance of a postal article serves as a ground for determining the responsibility of the postal service provider.

Article 9. Contracts on provision and use of postal services in written form

1. A contract on provision and use of a postal service in written form must have the following principal details:

a) Type of postal service:

b) Weight and quantity of postal articles:

c) Time, place and mode of provision of the postal service:

d) Quality of the postal service;

e) Rights and obligations of the contracting parties:

f) Postage rate and mode of payment;

g) Liability and maximum compensation for a contract breach.

2. Contracts in written form must be made in Vietnamese. In case the contracting parties agree to use a foreign language, the Vietnamese version and the version in the foreign language of the contract are of equal legal validity.

3. A document certifying the acceptance of a postal article between the postal service provider and sender is as legally valid as a contract in written form between them, unless otherwise agreed by the parties.

Article 10. Contracts on provision and use of postal services established by specific acts

Depositing into a public post box which satisfies all the conditions specified in Clause 1, Article 11 of this Law, a letter stuck with a Vietnamese postage stamp or a prepaid postage mark of a postal service provider is an act establishing a contract between the postal service provider and sender.

Article 11. Acceptance and delivery of postal articles

1. A postal article may be accepted when satisfying all the following conditions:

a) Not containing articles or merchandise specified in Article 12 of this Law;

b) Bearing information on the sender and recipient on it, unless otherwise agreed by the involved parties;

c) Being fully paid for the postage, unless otherwise agreed by the involved parties;

d) Being packaged or wrapped up to requirements of the postal service.

2. A postal article will be regarded as having been accepted in the following cases:

a) It has been accepted by a postal service provider at a postal service point or the sender's address;

b) It is a letter which satisfies all the conditions specified in Clause 1 of this Article and has been deposited into a public post box.

3. A postal article will be regarded as having been properly delivered in the following cases:

a) It has been delivered at the recipient's address into a consolidated letterbox, household letter box. subscriber's letter box or in another receptacle used for the receipt of the postal article;

b) It has been delivered to the recipient at the postal service point performing the delivery;

c) It has been delivered at the request of the postal service user.

Article 12. Articles and merchandise disallowed to be sent, accepted or transmitted through the post network

1. Articles and merchandise which are banned from circulation by Vietnamese law.

2. Articles and merchandise sent from Vietnam to foreign countries which are banned from export by Vietnamese law or from import by laws of countries of receipt.

3. Articles and merchandise sent from foreign countries to Vietnam which are banned from import by Vietnamese law.

4. Articles and merchandise which are banned from transmission by post under Vietnamese law or a treaty to which the Socialist Republic of Vietnam is a contracting party.

Article 13. Assurance of safety in the provision and use of postal services

1. Safety of postal articles of organizations and individuals shall be assured from the time of acceptance to the time of delivery under Clauses 2 and 3, Article 11 of this Law.

2. In case the wrapping of a postal article is damaged or torn, the postal service provider shall inventory, make a written record and re-wrap this article up to requirements of the postal service to assure its safety.

3. Organizations and individuals that conduct or participate in conducting postal activities in Vietnam shall assure safety for persons, postal articles and the postal network.

Article 14. Assurance of security in the provision and use of postal services

1. In case a postal article is detected to violate Article 12 of this Law, the postal service provider shall:

a) Suspend the transmission or delivery of the article;

b) Notify such to a concerned competent state agency for handling under law.

2. A competent state agency shall suspend the transmission or delivery of a postal article; inspect and handle the postal article or request the provision of information on use of the postal service in the following cases:

a) It has a ground for concluding that the article is related to or used in a violation of the law on national security or another serious illegal act;

b) The article is related to a criminal case and the inspection and handling thereof and the request for information on the use of the postal service are permitted by law.

3. The suspension of the transmission or delivery of postal articles: the inspection and handling of postal articles or making of requests for information on the use of postal services mentioned in Clause 2 of this Article may be effected only after written requests are made by a competent state agency under law.

4. The termination or suspension of the transmission or delivery of postal articles; the inspection and handling of postal articles and making of requests for information on the use of postal services mentioned in Clauses 1 and 2 of this Article must be written in a record signed by all involved parties.

5. The termination or suspension of the transmission or delivery of postal articles; the inspection and handling of postal articles and the making of requests for information on the use of postal services must not be abused to harm the interests of the State and the legitimate rights and interests of postal service providers and users.

6. Postal service providers shall coordinate with and create conditions for competent state agencies in performing the tasks specified in Clause 2 of this Article.

7. The termination or suspension of transmission or delivery of postal articles; the inspection and handling of postal articles and the making of requests for information on the use of postal services must not affect normal operations and the quality of postal services of postal service providers.

Article 15. Import and export of postal articles

1. The import and export of postal articles must comply with this Law and other relevant laws.

2. International postal service providers may carry out, on behalf of postal service users, procedures for importing or exporting postal articles when acting as lawful representatives of these users.

Article 16. The rights to dispose of, change the recipient's full name and address on. withdraw postal articles and forward postal articles

1. A postal article which is not yet delivered to the recipient is still at the sender's disposal, except in case it is seized or destroyed under this Law and other relevant laws.

2. The sender may change the recipient's full name and address or withdraw a postal article which is not yet delivered to the recipient, provided he)she has a document evidencing the sending. The sender shall pay an additional postage for changing the recipient's full name and address or withdrawing the postal article, unless otherwise agreed by the involved parties.

3. When a postal article is not yet delivered to the recipient's address and the postal service user notifies the postal service provider of the change of the recipient's address, the postal article shall be forwarded to the new address. The requester for forwarding of the postal article shall pay the postage, unless otherwise agreed by the involved parties.

Article 17. Undeliverable postal articles, returned postal articles, postal articles unreturnable to senders, postal articles without recipients

1. A postal article shall be regarded as undeliverable in the following cases:

a) It has no recipient address or has an inadequate or incorrect recipient address;

b) The recipient has changed his)her address without notifying the new address;

c) The recipient cannot be found at the indicated address;

d) After failing to deliver the article, the postal service provider has invited at least twice every other working day. the recipient to come to receive the postal article but the latter does not show up;

e) The recipient refuses to receive the postal article.

2. A postal article shall be returned to the sender when it is undeliverable and the sender requests the return. The sender shall pay a postage for the return of the postal article, unless otherwise agreed by the involved parties.

3. A basic letter weighing up to 500 grams which is undeliverable shall be automatically returned to the sender and exempt from the postage for the return.

4. A postal article shall be regarded as unreturnable to its sender in the following cases:

a) It has no sender address or has an inadequate or incorrect sender address;

b) The sender has changed his)her address without notifying the new address;

c) The sender cannot be found at the address indicated on the article;

d) After failing to deliver the article, the postal service provider has invited at least twice every other working day, the sender to come to receive back the article but the latter does not show up;

e) The sender refuses to receive back the article.

5. A postal article shall be regarded as having no recipient in case it is undeliverable to the recipient as stated in Clause 1 and cannot be returned to the sender as stated in Clause 4 of this Article within 6 months after it is accepted

This time limit is not applicable to postal articles which the recipients or senders refuse to receive.

Article 18. National postal code

1. The national postal code is a combination of characters prescribed by a competent state agency in charge of post for identifying one or a group of postal addresses.

2. The postal code shall be formulated on the following principles:

a) Assuring scientificity, stability and uniqueness;

b) Being based on administrative area and population density and distributed nationwide:

c) Being compliant with the relevant guidance of the Universal Postal Union and international practice.

3. Organizations and individuals engaged in postal activities are encouraged to apply the national postal code in order to raise the quality of postal services.

Article 19. Postal networks to serve party, state and national defense and security agencies

1. Postal networks to serve party, state and national defense and security agencies shall be established to provide postal services for these agencies and operate not for profit.

2. Postal networks mentioned in Clause 1 of this Article may only be connected with public postal networks.

Chapter III

INVESTMENT AND DEALTNG IN POSTAL SERVICES

Article 20. Investment and dealing in postal services

1. Organizations and individuals that invest and deal in postal services shall comply with this Law and relevant laws.

2. Investment and dealing forms and conditions, and the capital contribution ratio of foreign investors that invest and deal in postal services must comply with the Vietnamese law and post-related treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 21. Conditions on the grant of postal service business licenses

1. Any letter service provider that has a recipient address for a single letter weighing up to 2 kilograms (kg) must possess a postal service business license (below referred to as postal license) granted by a competent state agency in charge of post.

2. An enterprise may be granted a postal license when fully satisfying the following

conditions:

a) Having a business registration certificate for postal activities or an investment certificate in the post sector:

b) Being financially capable and staffed with personnel suitable to its business plan for business lines subject to licensing;

c) Having a feasible business plan compliant with regulations on postage rates and quality of postal services;

d) Devising measures to assure information security and safety for humans, postal articles and postal networks.

Article 22. Contents and validity duration of postal licenses

1. A postal license has the following principal details:

a) Name and address of the head office of the licensed enterprise;

b) Types of postal services to be provided;

c) Scope of provision of postal services;

d) Standards and quality of postal services to be provided;

e) Rights and obligations of the licensed enterprise;

f) Validity duration of the postal license.

2. A postal license is valid for up to 10 years.

Article 23. Modification, supplementation and re-grant of postal licenses

1. When necessary to modify details of a granted postal license, the licensed enterprise shall carry out procedures for modification or supplementation of its license.

2. A postal license may be re-granted in the following cases:

a) Its validity duration expires;

b) It is lost or damaged;

c) Its re-grant is requested by a state agency competent to grant postal licenses.

Article 24. Revocation of postal licenses

1. A state agency competent to grant postal licenses shall revoke a postal license if the licensed enterprise commits any of the following acts:

a) Opposing the State of the Socialist Republic of Vietnam, to the detriment of the national security, social order and safety;

b) Supplying false information or intentionally committing a fraud to obtain the license;

c) Failing to maintain the licensing conditions:

d) Providing postal services at variance with the license's contents, seriously harming the interests of the State and the legitimate rights and interests of organizations and individuals;

e) Failing to provide the postal service(s) indicated in the license one year after the license is granted;

f) Leasing or lending the license; illegally transferring the license.

2. One year after having its license revoked under Points b, c, d, e and f, Clause 1 of this Article, if it successfully remedies consequences caused by its act and ensures the conditions for being licensed specified in Article 21 of this Law. an enterprise may carry out procedures for applying for a new license.

Article 25. Notification of postal activities

1. The following postal activities shall be notified in writing to a state competent agency in charge of post:

a) Providing letter services with a single unaddressed letter weighing up to 2 kilograms (kg);

b) Providing letter services with a single letter weighing over 2 kilograms (kg);

c) Providing parcel services;

d) Acting as an agent for a foreign postal service provider;

e) Undertaking a commercial franchise in the post sector from abroad into Vietnam;

f) Acting as a representative for a foreign postal service provider;

g) Acting as a branch or representative office of a postal service provider established under the Vietnamese law;

h) Acting as a representative office of a foreign postal service provider.

2. In case of a change in the notified contents, postal service providers or organizations stated at Points g and h, Clause 1 of this Article shall notify such change to a competent state agency in charge of post.

3. The competent state agency in charge of post shall certify in writing the cases of notification specified in Clauses 1 and 2 of this Article.

4. A written certification of notification of postal service activities shall be re-issued in case of loss or damage.

5. While carrying out notification procedures, postal service providers and organizations stated at Points g and h, Clause 1 of this Article may conduct postal activities according to their business registration certificates or investment certificates or licenses for setting up representative offices of foreign traders or notices of approval of registration of commercial franchises already granted or issued in Vietnam.

Article 26. Cases in which a postal license or activity notification is not required

1. Individuals accept, transmit and deliver letters and merchandise packages or parcels free of charge on the basis of their agreements with senders not exceeding the maximum number of postal articles prescribed by a competent state agency in charge of post.

2. Organizations accept, transmit and deliver letters and merchandise packages or parcels free of charge within their own systems or for their customers.

3. Provision of postal services specified in Clause 1, Article 19 of this Law.

Chapter IV

QUALITY AND POSTAGE RATES OF POSTAL SERVICES

Article 27. Quality of postal services

1. Quality of public postal services shall be managed on the basis of national technical regulations on public postal services promulgated by a competent state agency in charge of post.

2. Quality of postal services other than public ones shall be announced by postal service providers for application under the law on post and other relevant laws.

3. The State encourages postal service providers to apply international standards in the post sector.

Article 28. Postage rates

1. Bases for formulating and adjusting a postage rate include:

a) Production costs and market supply-demand relationship;

b) Postage rates for services of the same type on the regional and world markets.

2. Public service postage rates shall be prescribed by a competent state agency in charge of post under this Law and the law on prices.

3. Postal service providers shall:

a) Decide on postage rates for their postal services, except for postal services on the list of those for which postage rates are prescribed by competent state agencies;

b) Register and declare postage rates under the law on prices;

c) Notify postage rates to a competent state agency in charge of post;

d) Publicly post up postage rates.

Chapter V

RIGHTS AND OBLIGATIONS OF POSTAL SERVICE PROVIDERS AND USERS

Article 29. Rights and obligations of postal service providers

In addition to the rights and obligations provided in the Law on Enterprises, postal service providers have the following rights and obligations:

1. To establish postal networks to provide postal services;

2. To fully receive postages for their postal services;

3. To check contents of merchandise packages and parcels before accepting them;

4. To refuse to provide postal services when detecting that postal articles violate Article 12 of this Law and their regulations on conditions on the provision of postal services;

5. To dispose of postal articles without recipient as specified in Clause 5. Article 17 of this Law;

6. To provide sufficient and accurate information on postal services to postal service users;

7. To publicly post up at postal service points lists of articles and merchandise banned from sending, acceptance and transmission through postal networks as specified in Article 12 of this Law and their regulations on conditions on the provision of postal services:

8. To assure safety and security in the provision and use of postal services under Articles 13 and 14 of this Law;

9. To be held responsible before law for intentional acceptance of postal articles in violation of Clauses 1, 2 and 3, Article 7 and Article 12 of this Law;

10. To refrain from disclosing information on the use of postal services by organizations and individuals, except for the cases specified in Article 14 of this Law;

11. To refrain from providing postal services in any form in violation of regulations on the scope of postal service for exclusive use;

12. To get remunerations and reasonable expenses paid for carrying out procedures for importing or exporting international postal articles as stated in Article 15 of this Law on behalf of postal service users:

13. To provide the services of changing full names and addresses of recipients, withdrawing postal articles, forwarding and returning postal articles under Clauses 2 and 3. Article 16, Clauses 2 and 3, Article 17 of this Law;

14. To settle complaints and disputes and pay compensations under this Law and other relevant laws.

Article 30. Rights and obligations of postal service users

Postal service users have the following rights and obligations:

1. To be provided by postal service providers with adequate and accurate information on postal services they use;

2. To enjoy information safety and security;

3. To lodge complaints about used postal services;

4. To get compensations for damage under law;

5. To correctly write full names and addresses of the sender and recipient;

6. To provide information on postal articles;

7. To be held responsible before law for postal articles;

8. To comply with regulations on safety and security of postal articles;

9. To fully pay postages for postal services they use, unless they are eligible for postage exemption or postage reduction as provided by law or otherwise agreed by the involved parties;

10. To pay remunerations and reasonable expenses to postal service providers for carrying out procedures for importing or exporting postal articles;

11. To create favorable conditions for postal service providers to deliver postal articles to their addresses or install letter boxes in places convenient for the delivery of postal articles;

12. To pay compensations for damage caused to postal service providers under Article 42 of this Law.

Chapter VI

PUBLIC POSTAL ACTIVITIES

Article 31. Principles of public postal activities

1. Assuring the public provision of basic postal services of quality according to national technical regulations on post and at postage rates affordable for the people.

2. Gradually reducing according to a roadmap state subsidies for the provision of public postal services.

Article 32. Provision of public postal services

1. The State subsidizes the provision of public postal services by specifying the scope of exclusive postal services and formulating other support mechanisms.

2. The Prime Minister designates state postal enterprises to manage public postal networks and provide public postal services according to their tasks and plans assigned by the State.

3. Public postal service providers defined in Clause 2 of this Article shall provide exclusive postal services, including also services of delivering addressed letters with a single letter weighing up to 2 kilograms (kg) at a postage rate prescribed by law.

4. The scope of exclusive postal services shall be incrementally narrowed based on the postal development in each period under Clause 2, Article 44 of this Law.

Article 33. Rights and obligations of public postal service providers

In addition to the rights and obligations provided in Article 29 of this Law. public postal service providers have the following rights and obligations:

1. To establish nationwide public postal networks to provide postal services at home and abroad; to install public letter boxes for acceptance of basic letters;

2. To provide public postal services and perform other public tasks assigned by the State according to the list, scope, postage rates and national technical regulations decided by a competent state agency;

3. To elaborate and submit to a competent state agency plans on postage rates prescribed by the State:

4. To inspect, repair, maintain and protect works in public postal networks;

5. To use special-use vehicles running and parking in urban areas to provide public postal services under local competent state agencies' priority regulations applicable to these vehicles;

6. To refrain from using turnover from exclusive postal services to subsidize losses incurred from the provision of other competitive services at postage rates lower than costs;

7. To separately supervise public postal services and exclusive postal services and report results of provision of these services to the Ministry of Information and Communications;

8. To produce and supply Vietnamese postage stamps:

9. To effectively use public postal networks for providing financial, savings, money transfer, press distribution and other services under law;

10. To refrain from refusing to provide public postal services for service users that have satisfied all requirements on service use.

Article 34. Public postal networks

1. Public postal networks shall be built and developed under approved master plans. Service points of public postal networks shall be located in railway stations, car terminals, seaports, airports, border gates, population quarters and other public places to meet user needs.

2. Based on approved master plans on the development of public postal networks and land use master plans and plans, provincial-level People's Committees shall allocate land areas for the construction of works of public postal networks to serve the provision and use of public postal services.

3. When constructing new urban centers, densely populated areas, high-rise apartment buildings and office buildings, investors shall:

a) Arrange convenient places for enterprises designated to provide public postal services to install systems of public letter boxes in urban centers or densely populated areas;

b) Install consolidated letter boxes in high-rise apartment buildings and office buildings.

4. Units managing urban centers, densely populated areas, high-rise apartment stores and office buildings, which are commissioned before the effective date of this Law but in which there is no public or consolidated letter box, shall:

a) Arrange convenient places for enterprises designated to provide public postal services to install systems of public letter boxes in urban centers or densely populated areas;

b) Arrange convenient places for postal service users in high-rise apartment buildings and office buildings to install consolidated letter boxes.

Chapter VII

POSTAGE STAMPS

Article 35. Vietnamese postage stamps

1. The Ministry of Information and Communications is the sole agency that decides on the issuance of Vietnamese postage stamps.

2. A Vietnamese postage stamp must display:

a) The word "Vietnam";

b) The word "Post";

c) The price (if any) printed on it in Vietnam dong.

3. Themes and designs of Vietnamese postage stamps must not contain words, images, symbols and signs which provoke hatred among nations. nationalities or religions, oppose the State of the Socialist Republic of Vietnam, or are contrary to social ethics and fine traditions and customs of Vietnam.

4. Vietnamese postage stamps must bear the Vietnamese code and join the code system of the Universal Postal Union.

5. Vietnamese postage stamps and relevant documents shall be archived under the law on archive.

Article 36. Use of postage stamps to prepay postages

1. Vietnamese postage stamps are used to prepay postages for domestic postal services and international postal services provided from Vietnam to foreign countries.

2. Foreign postage stamps cannot be used to prepay postages for domestic postal services and international postal services provided from Vietnam to foreign countries.

Article 37. Use of postage stamps for commercial and philatelic purposes

Organizations and individuals may trade in and philatelic ally collect Vietnamese and foreign postage stamps, except for the cases specified in Clause 3 of this Article.

2. The import of foreign postage stamps must comply with regulations of a competent state agency in charge of post.

3. Organizations and individuals may not trade in. exchange, display and propagate the following kinds of postage stamps:

a) Counterfeit postage stamps:

b) Postage stamps containing details, images. symbols and signs which provoke hatred among nations, nationalities and religions, oppose the State of the Socialist Republic of Vietnam, or are contrary to social ethics and fine traditions and customs of Vietnam;

c) Postage stamps subject to withdrawal under a competent state agency's decisions;

d) Foreign postage stamps with inappropriate contents and origin as notified by post agencies of member countries of the Universal Postal Union and Philatelists Associations.

Chapter VIII

SETTLEMENT OF DISPUTES AND PAYMENT OF COMPENSATIONS FOR DAMAGE IN THE PROVISION AND USE OF POSTAL SERVICES

Article 38. Complaints about the provision and use of postal services

1. Postal service users and providers may lodge complaints to protect their legitimate rights and interests.

2. Complaints mentioned in Clause 1 of this Article must be made in writing. The time limit for lodging a complaint is as follows:

a) Six months from the date of expiration of the full postal process of a postal article, for complaints about the loss of postal articles or late delivery of postal articles compared to the announced full postal process. In case no full postal process is announced by the postal service provider, the time limit shall be counted from the date following the date of acceptance of the postal article;

b) One month from the date of delivery of a postal article to the recipient, for complaints about tampered or damaged postal articles, postage rates and other matters directly related to postal articles.

3. The time limit for settling complaints is as follows:

a) Two months from the date of receipt of a complaint about domestic postal services;

b) Three months from the date of receipt of a complaint about international postal services.

4. Within the time limit specified in Clause 3 of this Article, the complaint-receiving body shall settle the complaint and notify the settlement result to the complainant. Past the time limit specified in Clause 3 of this Article, if the complainant receives no notice of the settlement result from the complaint-receiving body or disagrees with this result, he)she)it may request the settlement of a dispute.

5. In case a complaint is not lodged within the time limit specified in Clause 2 of this Article, the request for dispute settlement is invalid.

Article 39. Settlement of disputes in the provision and use of postal services

1. Disputes in the provision and use of postal services shall be settled in any of the following forms:

a) Negotiation between disputing parties;

b) Conciliation;

c) Settlement by an arbitration or a court.

2. The settlement of disputes in the provision and use of postal services by an arbitration or a court must comply with law.

Article 40. Principles for payment of compensations for damage in the provision and use of postal services

1. A compensation payable for damage in case of loss, damage or fraudulent alteration of the whole of a postal article shall be determined according to the limit liability to pay compensation for the whole damage applicable to the postal service concerned.

2. A compensation payable for damage in case of loss, damage or fraudulent alteration of part of a postal article shall be determined on the basis of actual damage but must not be higher the limit liability to pay compensation for the whole damage applicable to the postal service concerned, unless otherwise agreed by the involved parties.

3. Compensations for damage shall be paid in Vietnam dong and in lump sum. unless otherwise agreed by the involved parties.

4. No compensation shall be made for an indirect damage or a benefit not generated from the provision of postal services of quality lower than that announced by the service provider.

5. The level of compensation for damage shall be announced and applied by postal service providers but must not be lower than that prescribed by a competent state agency in charge of post.

Article 41. Compensation liabilities of postal service providers

1. Postal service providers shall pay compensations for damage caused to postal service users due to failing to assure the quality of postal services they have announced or breaching signed contracts, except for the cases specified in Clause 4 of this Article.

2. In case part of damage is caused by postal service users' breaches of signed contracts, postal service providers will be exempt from paying compensation for that part of damage.

3. Compensations for damage shall be paid to senders, unless otherwise agreed by postal service providers and senders. In case a postal article is partially damaged or lost but the recipient agrees to receive the remaining part, the compensation for damage shall be paid to the recipient.

4. Unless otherwise agreed by involved parties, a postal service provider is not required to pay a compensation for damage in the following cases:

a) Damage is entirely caused by the postal service user's breach of contract or a natural characteristic or inherent defect of the object contained in the postal article;

b) The postal service user fails to evidence the sending of and harm or damage to the postal article and its damage;

c) The postal article has been delivered and the recipient makes no complaint upon receiving it;

d) The postal article has been confiscated or destroyed under the Vietnamese law or the law of the recipient's country;

e) The postal service user fails to strictly comply with x Articles 38 and 39 of this Law on complaints and settlement of disputes;

f) In force majeure circumstances prescribed by law.

Article 42. Compensation liabilities of postal service users

1. Postal service users shall pay under law compensations for damage caused to postal service providers and related parties due to sending articles or merchandise banned from sending by post specified in Article 12 or articles not packaged or wrapped under Point d, Clause 1, Article 11 of this Law.

2. Unless otherwise agreed by involved parties, a postal service user is not required to pay a compensation for damage in the following cases:

a) Damage is caused by the postal service provider's breach of the signed contract;

b) The postal article has been accepted according to the contract's agreement;

c) The postal service provider fails to comply with Articles 38 and 39 of this Law on complaints and settlement of disputes.

Chapter IX

STATE MANAGEMENT RESPONSIBILITIES FOR POSTAL ACTIVITIES

Article 43. State management responsibilities for postal activities

1. The Government performs the unified state management of postal activities nationwide.

2. The Ministry of Information and Communications is answerable to the Government for performing the state management of postal activities.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, perform the state management of postal activities as assigned by the Government.

4. Provincial-level People's Committees shall perform the state management of postal activities as decentralized by the Government.

Article 44. Responsibilities of the Ministry of Information and Communications

1. To submit to the Government for promulgation specific regulations on investment conditions and forms, commercial provision of postal services; conditions, competence and procedures for the grant, supplementation and re-grant of postal licenses and written certifications of operation notification; payment of compensations for damage in the provision and use of postal services; postage stamps; and handling of administrative violations in postal activities.

2. To submit to the Prime Minister for promulgation or decision the list of public postal services, the mechanism for support of public postal services, postal networks serving party and state agencies, the management of postage rates,

a schedule for the incremental reduction and time of termination of exclusive postal services.

3. To specify the national postal code; postmarks; undeliverable postal articles; forwarding and return of postal articles; cases in which a postal license or written certification of operation notification is not required; statistical reports on postal activities; complaints about the provision and use of postal services; and quality of postal services.

4. To decide on the list of public postal services and their postage rates after consulting the Ministry of Finance.

5. To coordinate with the Ministry of Finance in providing for the import and export of postal articles; handling postal articles without recipient: providing for and organizing postage exemption or reduction; and drawing up a list of postal services subject to postage rate registration.

6. To coordinate with the Ministry of Industry and Trade in guiding sales promotion and settling competition-related cases in the provision of postal services.

7. To coordinate with the Ministry of Construction in providing for the installation of public post boxes or consolidated letter boxes in urban centers, densely populated areas, high-rise apartment buildings and office buildings.

8. To coordinate with the Ministry of Public Security in prescribing principles and conditions for the termination or suspension of transmission and delivery of postal articles, inspection and handling of postal articles and requests for information on the use of postal services; and providing for postal networks used for security purposes.

9. To coordinate with the Ministry of National Defense in providing for postal networks used for national defense purposes.

10. To coordinate with concerned ministries and branches in guiding the handling of smuggled or banned merchandise sent by post.

11. To coordinate with provincial-level People's Committees in guiding the elaboration of master plans on local public postal networks and order of and procedures for approving these master plans.

Chapter X

IMPLEMENTATION PROVISIONS

Article 45. Effect

1. This Law takes effect on January 1, 2011.

2. The provisions of Ordinance No. 43/2002/ PL-UBTVQH10 on Post and Telecommunications regarding post will cease to be effective on the effective date of this Law.

3. Postal licenses granted before the effective date of this Law remain valid until their expiry.

Article 46. Implementation detailing and guidance

The Government shall detail and guide the implementation of this Law*s articles and clauses as assigned; and guide other necessary contents of this Law to meet state management requirements.

This Law was passed on June 17, 2010, by the 12th National Assembly of the Socialist Republic of Vietnam at its 7th session.

THE NATIONAL ASSEMBLY
CHỦ TỊCH QUỐC HỘI
(Signed)

Nguyen Phu Trong