**GOVERMENT SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom - Happiness**

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DRAFT

**DECREE**

**On non-cash payments**

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

*Pursuant to the Law on the State Bank of Vietnam dated June 16, 2010;*

*Pursuant to the Law on Credit Institutions dated June 16, 2010 and the Law amending and supplementing a number of articles of the Law on Credit Institutions dated November 20, 2017;*

*Pursuant to the Investment Law dated November 26, 2014 and the Law amending and supplementing Article 6 and Appendix 4 on the list of conditional business investment lines of the Investment Law;*

*Pursuant to the Law on State Budget dated June 25, 2015;*

*Pursuant to the Cyber ​​Security Law dated June 12, 2018;*

*Pursuant to the Law on Prevention of Money Laundering dated June 18, 2012;*

*Pursuant to the Postal Law dated June 17, 2010;*

*At the proposal of the Governor of the State Bank of Vietnam,*

*The Government hereby promulgates a Decree on Non-Cash Payments.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Governing scope**

This Decree regulates payment activities without using cash, comprising: opening and use of payment accounts; non-cash payment services; intermediary payment services; organization, management and supervision of payment systems.

**Article 2 Applicable entities**

1. Organization providing non‑cash payment services.

2. Organization providing intermediary payment services.

3. Organizations and individuals involved in the provision of non-cash payment services and intermediary payment services.

3. Organizations and individuals using non‑cash payment services and intermediary payment services (hereinafter all referred to as clients).

**Article 3. Interpretation of terms**

In the Decree, the following terms are construed as follows:

1. Non‑cash payment services (hereinafter referred to as payment services) comprise payment services via client’s payment accounts and a number of payment services not via client’s payment accounts.

2. Organizations providing non‑cash payment services (hereinafter referred to as payment service providers) comprise the State Bank of Vietnam (hereinafter referred to as State Bank) , banks, foreign bank branches, people's credit funds, micro‑finance organizations and public postal service providers.

3. Intermediary payment service provider means an organization other than a bank or foreign bank branch providing intermediary payment services.

4. Public postal service provider means an organization designated by the Prime Minister to provide financial services, money transfers and other services according to the provisions of law.

5. Foreign payment service-providing organization is an organization established and operating overseas and entitled to participate in the provision of legal payment services according to the regulations of the host country, including: banks, international card organizations, switching organizations, payment intermediaries and other organizations.

6. Non-cash payment transaction (hereinafter referred to as payment transaction) means the payment or transfer of money between/of organizations and individuals via payment service providers or intermediary payment service providers.

7. International payment means a payment transaction conducted between a payment service provider in Vietnam and a foreign payment service provider to serve the money payer/transferer or the beneficiary.

8. Owner of a payment account means, in the case of an account of an individual, the individual in whose name the account is open; and in the case of an organization it means the organization opening the account.

9. Client's account means a payment account or other types of accounts opened by a bank or foreign bank branch for a client to provide payment services.

10. Non-cash payment means (hereinafter referred to as payment instruments) are means based on paper or electronic forms issued by payment service providers and intermediary payment service providers with license granted by the State Bank and used to make payment transactions, comprising checks, payment orders, authorized payment orders, collection orders, authorized collection orders, bank cards, electronic wallets, mobile money and other payment instruments according to the regulations of the State Bank.

11. Unlawful payment instruments are those not paid by payment service providers or intermediary payment service providers, which have been granted with issuance licenses by the State Bank for multi-purpose payment.

12. Electronic money means the monetary value stored on electronic facilities prepaid by clients to banks, foreign bank branches, intermediary payment service providers to make payment transactions and ensure corresponding value at the bank, comprising: prepaid card, electronic wallet, mobile money.

13. Mobile money means an electronic money issued by an intermediary payment service provider providing telecommunications services and identifying clients via mobile subscriber database.

14. E-wallet means electronic money issued by an intermediary payment service provider and identifies client through a client 's payment account opened at the bank.

15. Prepaid card means electronic money issued by a bank or foreign bank branch, allowing the cardholder to conduct card transactions within the value of the money loaded into the card.

16. Payment agent activity means a payment agent 's implementation of a part of the process of opening a payment account, providing payment services of the payment agent to the client.

17. Financial switching service is a service providing technical infrastructure to perform the connection, transmission and processing of electronic data to make payment transactions through ATM, POS, Internet, mobile phones. and other electronic transaction channels between payment service providers and/or intermediary payment service providers.

18. Electronic clearing service means a service providing technical infrastructure to receive, collate payment data and calculate the results of receivable and payable amounts after clearing between participants who are payment service providers or intermediary payment service providers to perform the settlement for related parties.

19. Electronic payment gateway service is a service providing technical infrastructure to conduct the connection between payment acceptance units and banks to assist clients in making payments in electricity trading transactions, electronic bill payment and other electronic payment services.

20. Collection and payment assistance services are services to assist banks in providing collection and payment services for clients who have payment accounts and bank cards at banks through receipt and processing, sending electronic data messages and calculating collection and payment results; canceling the collection and payment to perform the settlement for related parties.

21. Electronic money transfer service is a service that supports the receipt, transmission and processing of data in electronic money transfer transactions of a bank or entrusted by a bank.

22. Payment system means a system comprising payment facilities, regulations, processes, procedures, technical infrastructure, operating organizations and participating members for handling, clearing and finalizing the payment transactions that arise between the participating members.

23. An important payment system is a payment system that plays a leading role in serving the payment needs of entities in the economy, which are likely to generate systemic risks.

**Article 4. State administrative responsibilities of the State Bank regarding non‑cash payment activities**

1. To issue in accordance with its authority, or to submit to the competent authority to issue legal instruments on non‑cash payment activities.

2. To organize, manage, operate and supervise the national payment system; to participate in organizing and supervising the operation of other important payment systems in the economy; to supervise payment services through clients' accounts; to supervise the provision of payment services not via the client’s account of the public postal service provider and the intermediary payment service activities of the licensed intermediary payment service provider.

3. To grant and withdraw License for providing intermediary payment services granted by the State Bank of an intermediary payment service provider.

4. To review, approve or refuse in writing the proposal of a public postal service provider to provide payment services not through the client's account and to request the suspension or termination of operation according to the provisions of Clause 6, Article 19 of this Decree.

5. To check, inspect and handle according to its competence violations of the law on non-cash payment activities of organizations and individuals.

6. To manage international cooperation activities in the field of payment; to assume the prime responsibility for, or coordinate with functional agencies in managing international payment activities.

**Article 5. International payment**

1. International payment must comply with the provisions of this Decree, the laws on foreign exchange control, on user data protection, on cyber ​security, on tax administration, and on the prevention and combat of money laundering, terrorist financing, and international agreements on payments in which Vietnam is a party. In cases where Vietnamese law has not yet specified, the international practices, if not contrary to the basic principles of Vietnamese law, shall apply.

2. Banks which are permitted to provide foreign exchange services on the international market (hereinafter collectively referred to as licensed banks) may cooperate with foreign payment service providers to make international payment transactions in accordance with the provisions on foreign exchange control, provisions of this Decree and must be approved in writing by the State Bank. The written approval shall comply with the State Bank's regulations

3. Intermediary payment service provider may only cooperate with foreign payment service providing organizations to support the banks that are permitted to make international payment transactions and must obtain written approval from the State Bank. The written approval shall comply with the State Bank's regulations.

4. The parties involved in international payment shall be responsible for providing sufficient and timely information and meeting the requirements of State management bodies in accordance with the provisions of Vietnamese law.

**Article 6. Supply and issuance of electronic money**

1. Banks, foreign bank branches are entitled to supply and issue electronic money in the form of prepaid cards. The supply and issuance of prepaid cards shall comply with the State Bank's regulations on banking card activities.

2. Intermediary payment service providers are entitled to supply and issue electronic money in the form of electronic wallets and mobile money. The provision of e-wallet and mobile money services must be licensed by the State Bank after fully satisfying the business conditions on intermediary payment services specified in this Decree and shall comply with written guidelines related to providing e-wallet services and mobile money services.

**Article 7. Organization, management and operation of the national payment system**

1. The State Bank organizes, manages and operates the national payment system to provide payment services among members which are the State Bank, credit institutions, foreign banks' branches and State Treasury in performing the settlement of clearing results for other payment systems.

2. The State Bank shall stipulate measures to manage risks, ensure the operational safety of the national payment system.

**Article 8. Prohibited acts**

1. Forging, repairing, erasing or replacing payment instruments and payment documents; storing, circulating, transferring and using fake payment instruments and fake payment documents.

2. Infringing upon or seeking to illegally enter, destroying or altering software programs and electronic databases used in payment; taking advantage of computer network system errors for profiteering.

3. Providing dishonest information in the course of providing or using payment services, intermediary payment services and payment agent activities.

4. Disclosing, providing information related to the account holder's deposits and payment transactions of clients at payment service providers and intermediary payment service providers not in accordance with the provisions of law.

5. Opening or maintaining anonymous or impersonating payment accounts; leasing, lending payment accounts.

6. Releasing, supplying and using unlawful payment instruments.

7. Taking advantage of positions, powers, and duties assigned to handle payment transactions that affect the rights and interests of clients and banks for profiteering purposes.

8. Failing to comply with the scope, subjects and nature of services already licensed by the State Bank and/or failing to sufficiently maintain the provision business conditions provided for in Articles 26 and 27 of this Decree.

9. Using, taking advantage of payment accounts, payment instruments, payment services, intermediary payment services to gamble, organizing gambling, doing business illegally or fraudulently, conducting false transactions, transaction of goods and services which are unreal/not generated or other law-violating acts.

10. Forging, impersonating payment agent. The payment agent takes advantage of being a payment agent to perform, organize or facilitate other organizations and individuals to commit fraudulent transactions, forging or appropriating clients' money, the transaction acts for money laundering, terrorist financing and other law violations.

11. Non-credit institutions, foreign banks' branches providing payment services, except for public postal service providers after being approved by the State Bank and payment agent after signing contract with the Principal.

12. Providing intermediary payment services without the operation license of the State Bank or without cooperation contracts with the bank for the services that are not licensed of the organizations other than banks.

13. Erasing, deleting, changing contents, buying, selling, transferring, leasing, lending, counterfeiting a License to provide intermediary payment services.

14. Entrusting and Principal to other organizations and individuals to conduct the activities permitted under the License for the activities of providing intermediary payment services; renting, leasing, borrowing, lending e-wallets or e-wallet information.

15. Committing frauds, forging papers proving that they have fully met the conditions of providing intermediary payment services in the License Application to obtain a License.

16. The holder of a payment account with a current account operating at a payment service provider does not provide (or provide dishonestly) information about his payment account to the parties having the related rights and obligations in accordance with the provisions of law.

**Chapter II**

**OPENING AND USE OF PAYMENT ACCOUNTS**

**Section 1**

**GENERAL PROVISIONS**

**Article 9.** **Opening and use of payment accounts**

The opening and use of clients’ payment accounts at payment service providers shall comply with the State Bank’s regulations.

**Article 10. Use and authorization to use payment accounts**

1. The payment account holder may use his/her payment account to deposit, withdraw cash and request the payment service provider to make valid payment transactions. The payment account holder has the right to request the payment service provider to provide information about the transaction and the balance on his payment account.

2. The payment account holder may authorize in writing within a limited term to let another person use the payment account in accordance with the provisions of law.

3. The payment account holder is obliged to provide truthful information and comply with the provisions on opening and use of payment account of the payment service provider and must ensure there is sufficient money on the payment account to execute the payment order made, unless otherwise agreed with the payment service provider.

4. The payment service provider is obliged to fully and promptly carry out valid payment orders made by a payment account holder.

5. The payment service provider has the right to refuse to execute an invalid payment order of the payment account holder, or when there is insufficient money on the payment account, unless otherwise agreed. In case of refusal to make payment, the payment service provider must immediately notify the reason for refusal to the account holder.

**Article 11. Freezing of payment accounts**

1. A payment account shall be partly and wholy frozen of the amount in the account in the following cases:

a) Under a prior written agreement between the payment account holder and payment service provider;

b) When there is a written decision or request from a competent authority as prescribed by law;

c) When the payment service provider finds out and there is evidence that the payment account is fraudulent or law-breaking.

d) When the payment service provider discovers an error or discrepancy regarding a monetary remittance to the client's payment account or at the request for refund of the money made by the payment service provider due to mistakes, errors compared to the payment order of the sender. The frozen amount of the deposit in the payment account does not exceed the amount of such error or discrepancy;

dd) Upon a request for freezing by one of the joint payment account holders or when there is a dispute between the joint payment account holders.

2. Termination of freezing of payment account is done:

a) Under a prior written agreement between the payment account holder and payment service provider;

b) When there is a decision of a competent authority as prescribed by law;

c) When there is evidence that the payment account is not fraudulent or law-breaking;

d) The errors and mistakes in money transfer payment specified at Point d, Clause 1 of this Article have been corrected or disputes between joint payment account holders have been settled.

dd) At the request of all joint payment account holders or disputes between joint payment account holders have been resolved.

3. If the freezing of a payment account is unlawful and causes damage to the account holder, then the party which issued the freezing order is liable to pay compensation in accordance with law.

**Article 12. Closure of payment accounts**

1. A payment account shall be closed:

a) On request from the account holder who has fully discharged obligations relevant to the payment account;

b) When the account holder being an individual dies, disappears without trace, or loses capacity for civil acts;

c) When the account holder being an organization terminates its operation in accordance with law;

d) When the account holder breaches the contract on opening and use of the payment account signed with the payment service provider;

dd) When the account holder or payment service provider breaches a provision of Article 8 of this Decree and any other relevant law in payment activities;

e) In other circumstances stipulated by law.

2. The balance in a closed payment account shall be dealt with as follows:

a) It shall be paid out on request by the account holder or its heir [or] legal successor as representative in a case where the account holder being an individual dies or at the request of the legal representative in the case where the account holder being an individual loses capacity for civil acts;

(b) It shall be paid out in accordance with the decision of a competent authority;

(c) It shall be dealt with in accordance with law if the person who is the legal beneficiary of the balance in the account has been notified [by the service provider] but fails to attend [the service provider].

**Section 2**

**OPENING AND USING PAYMENT ACCOUNT**

**OF THE STATE BANK**

**Article 13. Opening and use of payment accounts of the State Bank**

1. The State Bank shall open payment accounts for the State Treasury, credit institutions and foreign bank branches according to the provisions of Clauses 2 and 3, Article 27 of the Law on the State Bank of Vietnam, Clause 4, Article 55 of State Budget Law and Articles 101, 109, 114, Clause 4d, Article 118, Article 121 of the Law on Credit Institutions; and Vietnam Deposit Insurance Organization in accordance with Article 31 of the Deposit Insurance Law.

2. The State Bank shall open accounts and make payment transactions for central banks of foreign countries, foreign commercial banks, international financial and monetary organizations, and international banks according to the international treaties and agreements to which Vietnam is a signatory. In case Vietnam is not yet a participating member, the opening of payment accounts shall comply with the decision of the Prime Minister.

3. The State Bank shall open payment accounts at central banks of countries, foreign commercial banks, international financial and monetary organizations, international banks, open payment accounts and make payment transaction abroad under the international treaties and agreements to which Vietnam is a signatory.

**Article 14. Dossiers, sequence and procedures for opening/closing payment accounts at the State Bank of credit institutions, branches of foreign banks, State Treasury, deposit insurance organizations**

1. A dossier of opening a payment account at the State Bank shall comprise:

a) An application for opening a payment account, enclosed with the registration of seal sample and signature sample (as prescribed by the State Bank), signed and sealed by the legal representative of the organization opening the account;

b) Documents proving that the organization opening a payment account has been legally established and operated, comprising: charter, establishment decision, operation license, business registration certificate or registration certificate business registration or investment certificate;

c) Documents proving the legal representative status of the legal representative of the organization that opens payment account and citizen identity card or valid ID card or passport of that person;

d) Documents or decision on appointment and citizenship card or valid identity card or passport of the chief accountant or the person in charge of accounting, the person who controls the documents of transactions with the State Bank;

Papers in the application file for opening a payment account as prescribed in Points b, c, d, Clause 1 of this Article shall be originals or copies. If documents in the application file for opening payment account are in foreign languages, they must be translated into Vietnamese and notarized or authenticated in accordance with law.

2. Sequence and procedures for opening a payment account

a) When wishing to open a payment account at the State Bank, the organization that opens the payment account shall make 01 (one) set of documents as stipulated in Clause 1 of this Article and send it to the State Bank (where the request for opening payment account is made);

b) Upon receiving the application file for opening a payment account, the State Bank shall check the documents in the file and collate it with the factors declared in the application for opening a payment account, ensuring its accuracy and truthfulness.

In case the papers in the application file for opening the payment account are copies but not certified copies, the copies are issued from the original books, the organizations opening payment accounts must present the originals for comparison, the comparing person must sign for certification on the copies and take responsibility for the accuracy of the copies against the originals;

c) Within 01 working day from the date of receiving the application file for opening a payment account from the organization that opens the payment account, the State Bank must resolve the opening of payment account for the client. In case the State Bank refuses to open a payment account, it must notify the reason to the client.

3. Regarding the closure of payment accounts at the State Bank of credit institutions, foreign bank branches, the State Treasury, deposit insurance organizations

a) When wishing to close payment accounts at the State Bank, credit institutions, branches of foreign banks, State Treasury, the deposit insurance organization shall make a request to close the payment account and request for settlement of payment account balance (if any), signed and stamped by the lawful representative of the account-opening organization and directly sent to the State Bank where the account is opened to close the payment account;

b) Upon receiving the request for closing the payment account, the State Bank shall check and compare the information on the written request with the account information and settle the balance on the payment account at the request of account holder (if any) and close payment accounts for the client;

c) Within 1 working day after receiving the request to close the payment account from the organization that opens the payment account, the State Bank must resolve the account closure for the client;

d) When closing payment accounts as prescribed at Points c, d, dd, Clause 1, Article 12 of this Decree, after settling payment account balance (if any) according to regulations, the State Bank shall close the payment account and notify the account-opening organization thereof.

**Section 3**

**OPENING AND USING PAYMENT ACCOUNT**

**AT CREDIT INSTITUTIONS**

**Article 15. Opening and use of payment accounts among credit institutions**

1. The opening and use of payment accounts among credit institutions must comply with the provisions of the Law on Credit Institutions. Payment accounts opened among credit institutions shall be used for payment purposes, not for overdraft loans or for other purposes.

2. Credit institutions licensed to conduct foreign exchange transactions may open payment accounts in foreign currencies. The opening and use of payment accounts in foreign currencies shall comply with the law on foreign exchange.

**Article 16. Opening payment accounts for individuals and organizations other than credit institutions**

1. Banks and foreign bank branches shall guide the opening of payment accounts for their clients in accordance with the regulations of the State Bank and other relevant law provisions. Where banks or bank branches open payment accounts for clients through Payment agents, they must comply with Article 23 of this Decree.

2. An individual opening a payment account must be an individual with civil capacity and full capacity for civil acts, and may be a person aged from a full 15 years up to below 18 years whose civil capacity is not lost or restricted. A person not yet aged 15 years, or a person who has lost civil capacity or whose civil capacity is restricted, or a person with intellectual disability or with difficulty in controlling his or her acts as stipulated by the law of Vietnam is permitted to open a payment account via his or her guardian or legal representative.

3. A joint payment account means a payment account with at least two or more holders in whose joint names the account is opened. Joint payment account holders may be organizations or individuals. The using purpose of a joint payment account, the rights and obligations of its holders, and provisions relevant to the use of such account must be clearly expressed in writing.

**Chapter III**

**NON-CASH PAYMENT SERVICES**

**Section 1**

**PAYMENT SERVICE VIA CLIENT'S ACCOUNT**

**Article 17. Payment services via clients' accounts**

1. Payment services via the payment account of a client comprise:

a) Provision of payment facilities, including checks, payment orders, authorized payment orders, collection orders, authorized collection orders, bank cards and other payment instruments as prescribed by the State Bank;

b) Providing payment services: checks, payment orders, authorized payment orders, collection orders, authorized collection orders, bank cards, letters of credit, monetary remittance, and receipts and disbursements on behalf of others;

c) Other payment services shall comply with the State Bank's regulations.

2. Organizations providing payment services via clients' accounts:

a) The State Bank provides payment services to clients who open payment accounts at the State Bank;

b) Commercial banks, branches of foreign banks, policy banks that provide all payment services specified in Clause 1, Article 17 of this Decree;

c) Cooperative banks which are provided with a number of payment services prescribed in Clause 1 of this Article when these activities are stated in the establishment and operation licenses or the amendments and supplements to the License granted by the State Bank.

**Section 2**

**PAYMENT SERVICES NOT VIA CLIENT’S ACCOUNT**

**Article 18. Payment services not via clients' accounts**

1. Payment services not via customers' accounts, comprising monetary remittance, receipts and disbursements on behalf of others;

2. Organizations providing payment services not via clients' accounts:

a) Commercial banks, branches of foreign banks, policy banks, which are provided with payment services not via clients' accounts;

b) Cooperative banks provide one or several payment services not via the client's account when these activities are stated in the Establishment and Operation License or the amendments and supplements to the License issued by the State Bank;

c) People's credit funds may provide money transfer, collection and payment on behalf of others services to their members when these activities are stated in the Establishment and Operation License or the amendment and supplement to the License issued by the State Bank;

d) Micro-finance institutions may provide the services of money transfer, receipts and disbursements on behalf of others to micro-finance clients when these activities are stated in the Establishment and Operation License or the amendments and supplements to the License issued by the State Bank;

dd) Public postal service provider is entitled to provide the services of money transfer, receipts and disbursements on behalf of others after meeting the conditions specified in Article 19 of this Decree and obtaining the State Bank's written approval.

**Article 19. Conditions for provision of payment services not via client’s account of the public postal service provider**

Public postal service provider is entitled to provide the services of money transfer, receipts and disbursements on behalf of others when meeting the following conditions:

1. Equipping facilities, technical conditions, information technology systems at service providing locations to meet the requirements of accounting and handling payment transactions smoothly, confidentially and safely ; Human resources with appropriate qualifications and expertise in the field of banking and finance, understanding the process and operations when making payment transactions.

2. Building and equipping facilities/equipment to ensure the delivery, receipt and preservation of cash at transaction points within the system of the unit. Having fire prevention and fighting plans according to law provisions; collecting and transporting cash to ensure depositing into payment accounts opened at banks at the end of the day, being responsible for ensuring security and safety for cash circulation as well as determining the limit of cash balance at the end of the day for each transaction point in accordance with its management capacity and liquidity for clients using the service.

3. Having internal regulations, procedures and operations for each type of service, mechanism to ensure solvency at their system, and must maintain the balance of their payment accounts at the bank greater than the amount payable to clients at the time of payment to make payment transactions safely and smoothly. Basing on the facilities, technical infrastructure and operating apparatus to specify the limit of money transfer, money receipt at its service points and take entire responsibility for the cash limit to ensure safety in compliance with the law in implementation process.

4. Compliance with regulations on anti-money laundering: implementing measures to identify clients, collect, verify, update, store client information, control, detect, handle and promptly report large-value transactions, suspicious transactions to competent state agencies under the provisions of the law on anti-money laundering, terrorist financing and other relevant law provisions; payment services must not be used for purposes of money laundering, terrorist financing, cheating, fraud or other law violations; to refuse or terminate the provision of payment services to clients using the service upon receiving written request from a competent state agency or evidence of payment transaction for money laundering or terrorist financing under provisions of law on anti-money laundering; cheating, fraud or other law violations.

5. Building mechanisms for risk management, making provisions, having measures to assess, control and prevent risks and complying with the law on electronic transactions. Having processes and procedures for resolving requests for tracing, complaints and disputes. Building a mechanism of compensation for cases of risks and incidents in the course of service provision that cause damage to clients' rights and assets.

6. To be under the management and supervision of the State Bank in the course of providing payment services not via clients' accounts. When the public postal service provider fails to comply with the provisions of the law on provision of payment services not via clients’ accounts or when there are abnormal developments or risks of monetary safety, monetary security, the State Bank has the right to request the public postal service provider to suspend (together with taking countermeasures) or to terminate this activity.

**Article 20. Sequence/procedures for approving in writing the provision of payment services not via clients' accounts of public postal service provider**

1. Sequence and procedures:

a) The public postal service provider shall send 3 sets of application for provision of payment services not via client's account by post or directly to the State Bank as prescribed in Clause 2 of this Article. The public postal service provider shall propose to take full responsibility before law for the accuracy and truthfulness of the information provided.

b) The State Bank shall, based on the contents of the application file, conduct evaluation of the application on the basis of the provisions stipulated in Article 19 of this Decree;

c) Within 5 working days from the date of receipt of the application, the State Bank shall send a letter to the public postal service provider requesting confirmation of receipt of all valid or incomplete/invalid documents as prescribed.

In case the application dossier is incomplete and invalid as prescribed, the State Bank shall send a written request to this Enterprise for supplementing and completing the dossier. Time for the Enterprise to supplement and complete the application dossier is not included in the evaluation time.

In case more than 60 days after the State Bank issues a written request for supplementing or completing the dossier, but this Enterprise does not send additional documents or after 2 times of sending, the dossier still does not meet the conditions of dossier components, the State Bank shall issue a written refusal to approve and return the dossier to the Enterprise.

In case this Enterprise continues wishing to provide services, after 6 (six) months from the date of the State Bank's written refusal of approval, the Enterprise may re-submit the application dossier to the State Bank as prescribed in this Decree.

Within 60 working days from the date on which the written confirmation of receipt of the complete and valid file is received, the State Bank shall carry out the evaluation and give approval in writing as prescribed. In case of disapproval, the State Bank shall reply in writing to the Enterprise, clearly stating the reason therefor.

2. A dossier of application for providing payment services not via client’s account comprises:

a) The application for provision of payment service not via clients' accounts made according to the form attached to this Decree;

b) Minutes or Resolution of the Meeting of the Board of Members, the Board of Directors (or the General Meeting of Shareholders in accordance with the provisions of the Operation Charter of the Enterprise) passing the Plan for provision of payment services not via client's account;

c) Plan on provision of payment services not via clients' account on the basis of the conditions specified in Article 19 of this Decree;

d) Human resource files: summarized CV, certified copies or copies which have been issued from the original book, or copies which are accompanied by the originals for comparison purposes of degrees proving professional qualifications and capability of the legal representative, General Director (Director), Deputy General Director (Deputy Director) and other key staff who will carry out the provision of this service;

dd) Establishment licence or enterprise registration certificate issued by the State authority, and Charter on organization and operation of the Enterprise (certified copies, copies issued from the original, or copies accompanied by the originals for comparison purposes).

**Section 3**

**PAYMENT AGENT ACTIVITIES**

**Article 21. Agent Appointing Entity (Principal) and Payment Agent**

1. The agent appointing entities (hereinafter referred to as “Principal”), comprising commercial banks, cooperative banks, foreign bank branches, after obtaining the State Bank's written approval.

2. Payment agents, consisting of commercial banks, cooperative banks, foreign bank branches, people's credit funds, organizations other than credit institutions, and foreign bank branches.

3. The performance of Principal and payment agent activities of commercial banks, cooperative banks, foreign bank branches and people's credit funds must comply with the contents of their establishment and operation licenses granted by the State Bank and documents amending and supplementing the License (if any).

The State Bank shall give specific guidelines on the supplement to payment agent appointing activity contents to the establishment and operation licenses of commercial banks, cooperative banks, branches of foreign banks and people’s credit funds.

4. Organizations other than credit institutions, foreign banks' branches may act as payment agents when they fulfill the selection criteria of the Principal.

**Article 22. Principles for performing payment agent activities**

1. Agreements on payment agent activities must be made in writing by the Principal and the payment agent in accordance with the provisions of this Decree and other relevant laws.

2. The Principal may only assign the agent to perform the professional activities specified in Article 23 of this Decree and in accordance with the activities stated in its Operation License.

3. The payment agent which is not a credit institution, foreign bank branch may not concurrently act as a payment agent for another Principal without the written consent of the Principal where they are acting as a payment agent. The payment agent that is not a credit institution, foreign bank branch is not allowed to hand over the agent to a third party.

4. The Principal must open and maintain a payment account for the payment agent to perform the assigned transactions separately with the minimum balance agreed upon by the Principal and the payment agent. The Principal may reach agreement with the payment agent on the opening of a deposit account or mortgage of assets to secure the performance of related obligations. The payment agent may conduct transactions for clients within the maximum payment limit equal to the balance on the agent's payment account prescribed in this Clause.

5. The Principal shall collect fee from clients through the payment agent in accordance with the tariff set by the payment agent and the same as the tariff made by the bank providing services to their clients at the bank. The Principal and the payment agent must not collect additional charges other than the tariff prescribed and announced by the Principal. The tariff of the Principal must specify the types of fees and charges applicable to each type of service, comply with the provisions of law and be publicly posted at the locations where transactions are made with the payment agent’s clients.

**Article 23. Professional activities assigned to payment agent**

The Principal shall assign the payment agent to perform one or several professional activities in the process of opening payment accounts and providing payment services of the payment agent to clients, comprising:

1. Receiving documents of opening payment accounts, checking and verifying client’s identification information to send to the Principal and guiding clients to use the account; receiving bank card issuance records, checking and verifying client’s identification information to send to the Principal; receiving clients' cards from the Principal to hand over to clients and guide clients how to use bank cards.

2. Receiving clients’ requests for provision of services, making, delivering, controlling and processing transaction documents with clients, transferring clients' transaction information to the Principal, receiving cash from clients or paying cash to clients for the following purposes:

a) Deposit/withdraw cash into/from clients' payment accounts opened at the Principal;

b) Deposit cash into prepaid cards issued by the Principal;

c) Deposit cash to pay client's credit card debt balance issued by the Principal.

3. Receiving payment requests from the Principal, preparing, delivering, receiving, controlling and processing transaction documents with the beneficiary, transferring the beneficiary's transaction information to the Principal , making payment to the beneficiary to provide the services of banker’s order payment, payment order, money transfer, standing orders, and other payment services for the Principal's clients.

4. Receiving requests from the money payer/remitter, making, delivering, receiving, controlling, processing documents of transactions with the money payer/remitter, transferring transaction information of the money payer/remitter to the Principal, receiving money from the payer/ remitter in order to provide the services of payment collection, collection order, money transfer, collection on behalf, and other payment services to the Principal's clients.

5. In cases where the agent is not a credit institution, foreign bank's branch, the Principal shall have a measure to manage the balance and transaction limit:

a) Maximum cash withdrawal limit for individual clients is VND 20 million/client/day; maximum payment or transfer limit for individual clients is VND 50 million/client/day;

b) The Principal shall base on the payment agent's infrastructure and facilities to determine the limit or balance on a payment account, debit card, prepaid identification card, credit card of individual client opened at the Principal under the modes specified in Clause 1 of this Article;

c) For anonymous prepaid cards, the limit shall comply with regulations of the State Bank on banking card activities;

d) Maximum transaction limit of the payment agent is equal to the balance on the agent's payment account opened at the Principal.

**Article 24.- Contents specified in payment agent operation contracts**

1. A payment agent operation contract must contain at least the following:

a) Name and address of the Principal and the legal representative of the Principal;

b) Name and address of the payment agent and the legal representative of the payment agent;

c) Scope and content of the payment agent;

d) Term of agency;

d) Agency fees;

f) Rights and obligations of the Principal and payment agent;

g) Early termination of the contract;

h) Handling disputes

2. Apart from the contents specified in Clause 1 of this Article, the parties may reach agreement on other contents of the payment agent operation contract in accordance with the provisions of this Decree and relevant law provisions.

**Article 25: Responsibilities of the Agent Appointing Entity (Principal)**

1. The Principal shall formulate criteria for selecting payment agents for organizations other than credit institutions and foreign bank branches and shall be responsible for the service provision activities of the payment agents of their choice, which at least consists of the following criteria:

a) Being a legally established enterprise that has operated for at least 12 months before being selected as an agent;

b) Having no outstanding loans classified by credit institutions, foreign banks' branches into the group of bad debts according to the regulations of the State Bank when being selected to act as an agent;

c) Having well-trained staff capable of handling cash transactions and/or providing payment services based on information technology and telecommunications platforms;

d) Having convenient location and infrastructure to be equipped with technological machines, equipment to process transactions; in cases where the contents of agent's transactions have a cash payment activity, the agent must be able to ensure the amount of cash to serve clients according to the agent's internal criteria; being equipped with safety conditions for delivery, storage and transportation of cash at the request of the Principal;

dd) Having a regular business location associated with a certain permanent address with a convenient geographical location for clients to access the services;

e) Having measures to ensure security, safety, internal control and the ability to provide information and reports for supervision purpose.

2. The Principal is responsible for making public the lists of the contract-signed payment agents on the websites and applications of the bank.

3. The Principal must guide their payment agents on the process of client identification, verification and update of client information and take full responsibility for the accuracy of client identification and verification of client information of the payment agents.

4. The Principal shall reach agreement with the payment agent on the provision of information technology infrastructure to ensure smooth transaction processing and to supervise agency activities of the agent and shall be responsible for security, safety, confidentiality of information technology system, protection of clients’ interests, protection of clients' personal information and data, and implementation of measures for anti-money laundering and terrorist financing. In case the payment agent violates the payment agent contract, causing damage to the lawful rights and interests of the clients, the Principal shall still be responsible to the client for the operations performed by the payment agent. The payment agent shall reimburse the Principal for the amount of money paid by the Principal to the client.

**Chapter IV**

**INTERMEDIARY PAYMENT SERVICES**

**Article 26. Intermediary Payment Services**

1. Intermediary payment services consist of:

a) Services of providing electronic payment infrastructure, including financial switching services; electronic clearing service and electronic payment gateway service;

b) Support services for payment services, including collection and payment on behalf of others, support services for electronic money transfer; e-wallet service, mobile money service.

2. Conditions for providing intermediary payment services

Organizations which are not banks may provide intermediary payment services when fully satisfying and must maintain these conditions during the provision of intermediary payment services:

a) Having an establishment license or enterprise registration certificate granted by a competent state agency and not in the process of division, splitting, consolidation, merger, conversion, dissolution or bankruptcy under a decision which has been issued;

b) Having the contributed or allocated charter capital of at least VND 50 billion and taking full responsibility for the legality of the contributed or allocated capital;

c) Having a Plan to provide intermediary payment services approved by the competent authority as prescribed in the Charter of the organization, which must contain at least the following: Technical professional process of the service license application, including: Name, scope of provision, client subject, conditions of use, diagrams and explanation for the steps of business performance, cash flow process from the time of transaction initiation to finalization of obligations between related parties for e-wallet services, mobile money services, collection and payment on behalf services; Mechanism to ensure solvency for e-wallet services, mobile money services, collection and payment assistance services, including: Mechanism for opening and maintaining the balance of payment guarantee accounts, purpose of using payment guarantee account; Process of internal inspection, control, risk management, safety and confidentiality; General principles and internal regulations on fighting and prevention of money laundering; Process and procedures for resolving requests for tracing, complaints and disputes;

d) Personnel conditions: The legal representative, General Director (Director) of the organization must have a university degree or higher and at least 3 years working directly in one of the fields of business management, economics, finance, banking, law; Deputy General Director (Deputy Director) and key officials making the Plan for provision of intermediary payment services (including Head of department (section) or equivalent and technical officers) must have a college degree or higher in one of the fields of economics, finance, banking, information technology or specialized fields;

dd) Technical conditions: Having facilities, technical infrastructure, information technology systems and technological solutions suitable for the requirements of the intermediary payment services provision activities; backup technical system independent from the main system to ensure safe and continuous service provision when the main system breaks down; having measures to ensure safety and confidentiality of information technology systems in the provision of intermediary payment services;

e) In the case of providing services of assisting [support] payment services for clients with accounts at a number of banks, the service provider must be connected with an organization providing financial switching and electronic clearing services licensed by the State Bank to carry out switching and clearing of the obligations arising in the process of providing intermediary payment services by the organization.

**Article 27. Licensing for provision of intermediary payment services**

1. The State Bank shall grant licenses to organizations other than banks providing the following intermediary payment services: financial switching service; electronic clearing service; e-wallet service and mobile money service.

2. For financial switching services and electronic clearing services, apart from the conditions that must meet as prescribed in Clause 2, Article 26 of this Decree, the service provider must:

a) Being settled by an organization on clearing results between related parties;

b) Having the contributed or allocated charter capital of at least VND 100 billion and taking full responsibility for the legality of the contributed or allocated capital.

**Article 28. Intermediary payment services which do not carry out the licensing procedure**

1. Organizations other than banks that wish to provide e-payment gateway services, collection, payment and remittance assistance services must cooperate with commercial banks, foreign bank branches to provide these intermediary payment services.

2. Before 45 working days since the official deployment of intermediary payment services, the service provider must send notice of the provision of intermediary payment services to the State Bank.

3. Commercial banks and branches of foreign banks are responsible for elaborating and implementing internal regulations on evaluation and selection of non-bank organizations to cooperate in providing intermediary payment services on the basis of fully meeting the conditions specified in Clause 2, Article 26 of this Decree; to elaborate and implement internal regulations in compliance with the State Bank's regulations on ensuring the security, safety and confidentiality of information technology systems, protection of personal information and data of clients and to take measures for anti-money laundering, terrorist financing in the process of providing intermediary payment services; to inspect and supervise the provision of intermediary payment services by the intermediary payment service provider being in cooperation to ensure compliance with this Decree and relevant laws.

In case intermediary payment service provider violates intermediary payment services provision contract, causing damages to legal rights and interests of clients, then the commercial banks and foreign bank branches shall handle collection of money from the intermediary payment service provider or freeze the payment guarantee accounts (if any) to reimburse clients.

4. Intermediary payment services provision agreements must be made in writing in accordance with the provisions of this Decree and other relevant law provisions.

a) The contents of the intermediary payment services provision contract must contain at least the following:

Name, address, legal representative of commercial bank, foreign bank's branch;

Name, address, legal representative of the intermediary payment service provider;

Scope, content of intermediary payment services;

Term of intermediary payment services provision;

Regulations on fees for intermediary payment services;

Rights and obligations of commercial banks, foreign bank branches, intermediary payment service provider;

Early termination of the contract;

Dispute settlement.

b) In addition to the above provisions, the parties may agree on other items in the intermediary payment services provision contract in accordance with the provisions of this Decree and relevant provisions of law.

**Article 29. Conditions and percentage of capital contribution of foreign investors in the provision of intermediary payment services**

1. Forms of investment for foreign investors: investing in the form of capital contribution, purchase of shares or capital contribution in the intermediary payment service providing organization licensed by the State Bank to provide services.

2. The maximum percentage of foreign investors' capital contribution, including both direct and indirect ownership, is 49% of charter capital of the intermediary payment service provider licensed by the State Bank to provide services.

3. In cases where the intermediary payment service provider operates in multiple industries and trades and has different provisions on the percentage of foreign ownership, the percentage of foreign ownership in this provider shall not exceed the lowest level in the industries and trades of this organization, which has provisions on the percentage of foreign ownership, unless otherwise prescribed by international treaties.

**Article 30. Sequence, procedures and application file for issuance, revocation or reissuance of licence to provide intermediary payment services**

1. Principles of making and sending dossiers:

a) Dossiers must be made in Vietnamese language. If the document is issued, notarized or certified by a foreign competent agency or organization, it must be consularly legalized in accordance with Vietnamese law (except for the case of consular legal exemption under legal provisions on consular legalization) and translated into Vietnamese;

b) Translations from foreign languages into Vietnamese must be notarized for translation or authentication of signatures of translators as prescribed by law;

c) Copies of dossiers and documents must be copies from the original books or copies certified from the originals as prescribed by law;

d) Self-prepared curriculum vitae must be certified for signatures according to the provisions of law.

2. Sequence and procedures for issuance of licence:

a) The organization applying for license shall send a dossier of application for a license (including 07 sets in Vietnamese) by post or directly to the State Bank or online public service under Clause 3 of this Decree. The organization applying for the License must take full responsibility before law for the accuracy and truthfulness of the information provided;

b) Based on the dossiers of application for licenses, the State Bank shall evaluate the dossiers on the basis of the conditions prescribed in Clause 2, Article 26, Clause 2, Article 27 and Article 29 of this Decree;

c) Within 5 working days from the day on which the application for the License is received, the State Bank shall send a written request to the applicant for confirmation that the application has been received, whether it is valid or not sufficient in components and valid according to regulations.

In case the dossier of application for a license is not complete and valid as prescribed, within 5 working days after receiving the dossier of application for a license, the State Bank shall send a letter to the organization requesting to supplement and complete the dossier. The time for the license application organization to supplement and complete the dossier shall not be included in the appraisal time.

If it is more than 60 days after the State Bank issues a written request for supplementing or completing the dossier but the organization applying for the license does not re-submit the file or after sending it twice, the dossier still fails to meet the conditions of dossier components, the State Bank shall issue written refusal to license and return the dossier to the organization.

In case the organization continues wishing to apply for the License to provide intermediary payment services, after 6 (six) months from the date on which the State Bank issues the written refusal to grant the license, the organization may re-submit the dossier applying for intermediary payment service provision license to the State Bank as prescribed in this Decree.

Within 60 working days after receiving a complete and valid dossier, the State Bank shall conduct evaluation and grant of licenses according to regulations. In case of refusal to grant a license, the State Bank shall reply in writing to the organization, clearly stating the reason for not granting the license;

d) The organization that is granted the License to provide intermediary payment services must pay the fee for appraising the dossier and the licensing fee at the State Bank (Transaction Office) within 15 days from the date of being granted the License.

Fees and charges shall comply with the Ministry of Finance's regulations on fees and charges for licensing.

dd) The State Bank shall make a public announcement of the issuance, re-issuance, amendment and supplement to the License and the Decision to revoke and suspend the intermediary payment service provider's operations on the State Bank's website. The intermediary payment service provider must publish the License or Decision on revocation or suspension issued by the State Bank on its official website/application for clients’ knowledge.

3. Dossier of application for an intermediary payment services provision license

a) An application for a license made according to the form attached to this Decree;

b) Minutes or Resolution of the Meeting of the Board of Members, the Board of Directors (or the General Meeting of Shareholders in accordance with the provisions of the operation charter of the organization) or Approval Letter of the competent authority as prescribed of the law on the adoption of the Plan on Provision of Intermediary Payment Services;

c) Plan on provision of intermediary payment services;

d) Explanatory statement of technical solutions;

dd) Certified copy of the Minutes of Technical Acceptance (attached with the detailed technical acceptance test scenario) of the intermediary payment services applying for a license with a bank;

e) Profile of personnel: Curriculum vitae, certified copies or copies issued from the original, or copies which are accompanied by the originals for comparison purposes of degrees proving specialist qualifications and capability of the legal representative, General Directors (Directors), Deputy General Directors (Deputy Directors) and key officials who will carry out the Plan on provision of intermediary payment services; Judicial record or a document of equivalent value of the legal representatives, General Director (Director), Chief Accountant issued by the competent authority in accordance with the law (no later than 6 months before submitting the application dossier for a License);

g) Establishment license or enterprise registration certificate and business license (if any) issued by a competent state agency, organization and operation charter (certified copy or a copy issued from the original or a copy enclosed with the original for comparison purpose);

h) Documents proving that an organization has carried out the settlement of clearing results between related parties when applying for financial switching service, electronic clearing service;

i) Documents proving that the charter capital has been fully contributed in accordance with the Law on Enterprises before the date of submitting the application dossier for the License.

4. Term of Licence:

The term of a Licence shall be ten (10) years calculated from the date on which the organization is issued with the Licence by the State Bank.

5. Revocation of licence:

(a) The licence of an organization shall be revoked and such organization must terminate its operation of providing intermediary payment services in any one of the following circumstances:

(i) Violation of prohibited acts in the activities of intermediary payment services provision prescribed in Clause 9, Clause 13, Clause 15 Article 8 and in case of recidivism for violations specified in Clauses 8 and 14 Article 8 of this Decree;

(ii) Committing fraudulent acts or providing false information to obtain an intermediary payment services provision license;

(iii) Within 6 (six) consecutive months, the organization does not provide licensed intermediary payment services to clients without a satisfactory reason;

(iv) Within 3 (three) months from the date the State Bank issues a written notice to the organization that violates one of the conditions specified in Clause 2, Article 26, Clause 2, Article 27 and Article 29 of this Decree and the corrective measures must be taken but the organization fails to do so;

(v) The organization is dissolved or declared bankrupt in accordance with relevant laws;

(vi) When there is a written request to suspend all licensed intermediary payment services;

(vii) When there are judgments, decisions and written requests of competent state agencies or criminal judgment enforcement agencies on violations of payment intermediary activities.

b) Sequence and procedures for revocation of licence:

(i) When the licensed organization commits any of the violations mentioned in Items (i) to (iv), Point a, Clause 5 of this Article, the State Bank shall issue notice of violations of intermediary payment service provider and request the organization to give explanation. After 10 (ten) working days from the date of notice (except for the time limit specified in Item iv, Point a, Clause 5 of this Article), the intermediary payment service provider has no written explanation or appropriate explanation, the State Bank shall issue a decision to revoke the License to provide intermediary payment services and the reason for same;

Upon receiving the State Bank's written notice of the revocation of the intermediary payment services provision license, the organization whose license is revoked must immediately stop providing the intermediary payment services;

(ii) When the intermediary payment service provider has submitted a request to suspend its business as prescribed at Item (vi), Point a, Clause 5 of this Article, after 10 (ten) working days from the date of receiving the request to suspend business, the State Bank shall issue a decision to revoke the License;

(iii) After 10 (ten) working days from the date of receipt of judgments, decisions, written requests of competent state agencies, criminal judgment enforcement agencies or dissolution or bankruptcy stated in Items (v) and (vii), Point a, Paragraph 5 of this Article, the State Bank shall issue a decision to revoke the License.

Any organization whose licence is revoked must, within thirty (30) days from the date of receipt of a notice from the State Bank, provide written notice to all organizations and individuals concerned to liquidate contracts and to complete discharge of obligations and responsibilities of the parties.

6. Reissuance of licence:

The State Bank shall, within thirty (30) days from receipt of a written application for reissuance of a Licence from an organization, reissue such licence, or provide a written response refusing to reissue the licence and explaining its reasons in the following circumstances:

1. Expiry of Licence:

A licensed organization must, at least sixty (60) days prior to expiry of its licence, forward the State Bank a written request for reissuance of the licence and a copy of the currently effective licence.

b) Revocation of License

The organization that has its License for intermediary payment services provision revoked in the case specified at Point a, Clause 5 of this Article (except for the provisions in Items (v) and (vii), Point a, Clause 5 of this Article), after 3 (three) years from the date of revocation of the License, shall have the right to request the reissuance of the License to provide intermediary payment services, if it has overcome the cases leading to the revocation of the organization’s License and has been eligible for an intermediary payment services provision license as provided for in this Decree;

c) In case a license is lost, torn, burnt or otherwise destroyed, the intermediary payment service provider must send a written explanation therefor and send it by post or directly at the State Bank to propose the State Bank to consider and grant copies of licenses from the original book according to the provisions of law;

d) There are changes in the scope, object, function and nature of the licensed service;

dd) Dossier, process, procedure for re-granting intermediary payment services License shall comply with Clause 1, Clause 2 and Clause 3 of this Article and concurrently [the organization is required to] report on the implementation of the License from the date of issuance of the license to the date of submission of the application.

The State Bank shall receive and consider the validity of the application within 05 working days from the date of receipt of the file; evaluate and decide to reissue the intermediary payment services provision license within 60 working days from the date of receiving valid dossier. In case of refusal to re-issue a License, the State Bank shall issue a written reply to the organization stating the reasons for refusal of re-issuance of the License.

The State Bank shall send a written request to the Ministry of Public Security (Department of Economic Security) and the Ministry of Finance (General Department of Taxation) for their opinions on compliance with the law during the operation of the organization requesting the License re-issuance for cases specified at Points a and b of this Clause.

7. Amendment and supplement to licence:

a) When wishing to amend or supplement the contents specified in the License, the organization must send a written request to the State Bank which details the contents of the proposed amendments and supplements and the reason for changing the contents of the License and the copy of the currently effective License; within the License's validity period, the intermediary payment service provider shall carry out the procedures for requesting the amendment and supplement to the License when there is at least one of the following changes: Change of organization's name; Change of the location of the head office; Stop providing one or more licensed intermediary payment services;

b) Procedures for amending and supplementing the License: Intermediary payment service provider who submits a dossier of request for amendment and supplement to the License to provide intermediary payment services must send 03 sets of documents to the State Bank and takes responsibility on the accuracy and truthfulness of the request dossier.

A dossier of application for amendment or supplement to an intermediary payment services provision license due to a change in the name of the licensed organization or its head office shall consist of the following documents: license to provide intermediary payment services in the form attached to this Decree; valid copy (the copy issued from the original book or certified copy) of the enterprise registration certificate, which has changed the name of the enterprise or certificate of investment registration for foreign investors; Report on the implementation of intermediary payment services provision from the date of issuance of the License to the date of submitting the application for amendment and supplement to the License.

A dossier of application for modification or supplement to a License to provide services due to ceasing to provide one or a number of services in the granted License shall consist of the following documents: Application for amending and supplementing the License to provide intermediary payment services in the form attached to this Decree; Report on the implementation of the License from the date of being granted to the date of submitting the application file; Business plan and technical file for the changes specified in the License, ensuring compliance with the provisions of law;

c) The State Bank shall receive and consider the validity of the application within 5 (five) working days from the date of receipt of the file; evaluate and decide to amend and supplement the contents of the intermediary payment services provision License within 30 (thirty) working days from the date of receipt of the valid dossier. In case of refusal to amend or supplement the contents of a license, the State Bank shall issue a written reply stating the reason therefor;

d) Within the validity period of the License, intermediary payment service provider is not required to carry out procedures to request amendments and supplements to the License but must notify the State Bank of relevant information within 30 days from date of having at least one of the following changes: Change of legal representative; Change of charter capital but still ensure compliance with the requirements on charter capital specified in this Decree; Change of capital contribution ratio among capital contributing members while ensuring compliance with the requirements of foreign investment in the provision of intermediary payment services prescribed in Article 29 of this Decree.

8. When there is a need to apply for a License to provide services not specified in the intermediary payment services License issued by the State Bank, the organization must prepare a dossier of application for a License. The sequence, procedures and dossiers of application for licenses shall comply with the provisions of Clauses 1, 2 and 3 of this Article and concurrently [the applicant is required to] report on the situation of license implementation from the date of being granted licenses to the date of application submission.

9. Suspension of provision of intermediary payment services for a definite time

a) The intermediary payment service provider that has been licensed by the State Bank is suspended from providing their services within a period from 3 to 6 months under a decision of the authority competent to impose penalties for administrative violations for acts of violation specified in Clauses 8 and 14, Article 8 of this Decree; or at the request of a competent state authority when a violation is detected;

b) Process and procedures to suspend the provision of intermediary payment services:

The State Bank shall issue notice of violations committed by the organization specified at Point a, Clause 9 of this Article and request the intermediary payment service provider to explain. After 10 (ten) working days from the date of notice, if the intermediary payment service provider does not have written explanation or the content of explanation is inappropriate, the State Bank shall issue a decision to suspend the provision of intermediary services from 3 to 6 months;

Upon receiving the State Bank's written notice of suspension of payment intermediary service provision, the suspended organization must immediately stop providing their intermediary payment services under the Bank's Decision;

Within 5 days after receiving the notice of the State Bank, the suspended organization must send written notice to the concerned organizations and individuals to handle and fulfill the obligations and responsibilities between the parties in accordance with relevant laws.

**Chapter V**

**OBLIGATIONS OF RELATED PARTIES**

**Article 31. Service fees**

1. Payment service providers including intermediary payment service providers shall themselves decide and publicly post the levels of their fees/charges.

2. The State Bank shall perform the function of state management of payment service as well as intermediary payment services fees/charges (prices) and prescribe the mechanism of fee/charge collection and payment of payment service providers including intermediary payment service providers, units that accept payments to realize the State's goal of developing non-cash payment.

**Article 32. Compensation for loss**

Payment service providers including intermediary payment service providers and clients are liable to pay compensation for loss and damage caused by their breach of the agreement between the relevant parties in accordance with law.

**Article 33. Dispute resolution**

Disputes between clients and payment service providers including intermediary payment service providers shall be settled by agreement. In case a dispute cannot be resolved by agreement, the settlement of the dispute shall be resolved in accordance with law.

**Article 34. Ensuring safety and security during payment**

1. Payment service providers including intermediary payment service providers must take measures to ensure safety during payment operations in accordance with law and they are allowed to stipulate measures to ensure the safety of payment activities in conformity with the relevant laws. Clients are responsible to comply with the measures for ensuring safety during payment according to the rules and guidelines of the service providers.

2. Payment service providers including intermediary payment service providers must manage, inspect and supervise payment-accepting units in order to detect and deal with those that violate the law on payment activities.

3. Payment service providers including intermediary payment service providers must manage risks, prevent and oppose the use and abuse of payment accounts, payment instruments, payment services, intermediary payment services for illegal gambling, organizing gambling, unlawful business, fraud or other illegal acts.

**Article 35. Rights regarding information and reporting**

1. The State Bank has the right to require payment service providers including intermediary payment service providers to supply information relevant to payments on a periodical and one off basis.

2. Payment service providers including intermediary payment service providers have the right to require clients to supply relevant information when the latter use the services of such service provider.

**Article 36. Obligation to supply information and report**

1. Payment service providers including intermediary payment service providers are obliged to report and supply information to competent State authorities in conformity with law.

2. Payment service providers including intermediary payment service providers are obliged to supply information about transactions and balances in payment accounts to accountholders in accordance with agreements.

**Article 37. Confidentiality of information**

1. Right to refuse to supply information

Payment service providers including intermediary payment service providers have the right to refuse a request from any organization or individual to supply information about accounts, transactions and balances in payment accounts of clients, transactions and balances on e-wallet, mobile money except when a request is made by a competent State authority in accordance with law or when the account holder or electronic wallet owner allows them to do so.

2. Obligation to maintain confidentiality of information:

Payment service providers including intermediary payment service providers are responsible to retain confidentiality of information relating to accounts, transactions and balances in payment accounts, balances on e-wallet, mobile money of such service provider’s clients, unless otherwise prescribed by the law.

**Chapter VI**

**SUPERVISION ACTIVITIES**

**Article 38. Supervision of important payment systems in the economy**

1. The State Bank shall develop strategies, policies and regulations on the supervision of important payment systems in the economy to ensure the safe, stable and efficient operation of the important payment systems in the economy.

2. The State Bank shall specify criteria and identify important payment systems subject to the supervision of the State Bank. The State Bank monitors payment systems by means of remote supervision, on-site inspection and other measures when necessary.

3. The State Bank has the right to request the organizations operating payment systems, settlement banks and members of the payment systems to supply information related to the payment systems.

4. Organization operating payment systems, settlement banks and members participating in the payment systems shall supply information related to the payment system at the request of the State Bank.

5. Organization operating payment systems, settlement banks are responsible to comply with the regulations and implement recommendations on supervision issued by the State Bank as well as promulgate internal rules on risk control and ensure uninterrupted operation of their systems.

**Article 39. Supervision of payment service via clients’ accounts**

1. The State Bank shall determine the scope, develop regulations and supervise payment services via clients’ accounts.

2. The State Bank shall supervise payment services via clients’ accounts by forms of remote control, on-site inspection and other forms when necessary.

3. The State Bank may request payment service providers via clients’ accounts to provide information related to payment services via clients’ accounts.

4. Payment service providers via clients’ accounts shall supply information related to payment services via clients’ accounts at the request of the State Bank and shall be responsible to comply with regulations, implement recommendations on supervision of the State Bank; issue internal regulations on risk control.

**Article 40. Supervising the provision of payment services without taking into account of customers of** **public postal service providers**

1. The State Bank shall elaborate regulations on and supervise the provision of payment services not via clients’ accounts made by the public postal service providers approved by the State Bank to provide.

2. The State Bank shall supervise the provision of payment services without the clients’ accounts by forms of remote control, on-site inspection and other forms when necessary.

3. The State Bank has the right to request public postal service providers to provide information related to the provision of payment services not via clients’ accounts.

4. Public postal service providers shall supply information related to payment services via clients’ accounts at the request of the State Bank and shall be responsible to comply with regulations, implement recommendations on supervision of the State Bank; issue internal regulations on risk control.

**Article 41. Supervision of provision of intermediary payment services**

1. The State Bank shall elaborate regulations and supervise the provision of intermediary payment services licensed by the State Bank of organizations providing intermediary payment services other than banks.

2. The State Bank shall supervise activities of providing intermediary payment services through forms of remote control, on-site inspection and other forms when necessary.

3. The State Bank may request intermediary payment service providers to provide information related to the provision of intermediary payment services.

4. Providers of intermediary payment services are responsible for providing information related to the provision of intermediary payment services at the request of the State Bank and complying with regulations, implementing recommendations on supervision of the State Bank; issuing internal regulations on risk control.

5. Organizations providing e-wallet services must have instruments for the State Bank to supervise the provision of e-wallet service.

6. Banks cooperating with payment intermediary service providers shall report and provide information related to co-operation of intermediary payment services; data and information related to the opening and management of payment guarantee accounts for intermediary payment service providers for e-wallet services at the request of the State Bank.

**Chapter 7**

**IMPLEMENTING PROVISIONS**

**Article 42. Transitional provisions**

1. Intermediary payment service providers that were licensed before the effective date of this Decree having a higher percentage of foreign investors' capital contributions than those specified in Article 29 of this Decree are allowed to remain active until there is a change of foreign investor or expiry of License to provide intermediary payment services when they must comply with the provisions of this Decree.

2. As for payment intermediary service providers, after the expiry of the License to provide intermediary payment services, according to the provisions of this Decree, these providers are not required to carry out the licensing procedures as they only need to/must review and re-sign cooperation contracts with the bank in order to comply with current legal regulations as well as the binding responsibilities between the organization and the bank.

3. After this Decree takes effect, commercial banks providing e-wallet services shall apply the regulations on provision and issuance of electronic currencies in this Decree in order to match the name of the service.

**Article 43. Effectiveness**

1. This Decree shall be of full force and take effect from .....

2. This Decree replaces Decree 101/2012/NĐ-CP of the Government dated November 22, 2012 on payment activities without using cash; Decree 80/2016/NĐ-CP of the Government dated July 1, 2016 amending and supplementing to a number of articles of Decree 101/2012/NĐ-CP of the Government dated November 22, 2012 on payment activities without using cash and repeals Article 3 of Decree 16/2019/NĐ-CP of the Government dated February 1, 2019 amending and supplementing Decrees on business conditions under the state management of the State Bank of Vietnam.

**Article 44. Responsibility for implementation**

1. The Governor of the State Bank shall provide guidelines on implementation of this Decree.

2. Ministers, heads of ministerial equivalent bodies, heads of Government bodies and chairmen of people's committees of provinces and cities under central authority are responsible to implement this Decree./.

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| ***Recipients:***  - The Secretariat of the Central Committee of the Communist Party;  - Prime Minister, Deputy Prime Ministers;  - Ministries, ministerial-level agencies, Government-attached agencies;  - People's Council, People's Committee of provinces and centrally-run cities;  - Office of the Party Central and Party Committees;  - Office of General Secretary;  - Office of the President;  - Ethnic Council and Committees of the National Assembly;  - Office of National Assembly;  - People's Supreme Court;  - The Supreme People's Procuracy of Vietnam;  - State Audit;  - National Financial Supervisory Commission;  - Social Policy Bank;  - Vietnam Bank for Social Policies;  - Central Committee of the Vietnam Fatherland Front;  - Central agencies of mass organizations;- Government Office: Minister, Chairperson, Vice Chairmen, Assistant of the Prime Minister, General Director of E-Portal, Departments, Dependent Units, Official Gazette.  - Archived: in VT, KTTH (3). XH | **FOR THE GOVERNMENT**  **PRIME MINISTER**    **Nguyen Xuan Phuc** |