

## **New Decree on Pay TV and Coproduction of Radio and TV Programs in Vietnam**

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Thomas Treutler  
Partner  
thomas.t@tilleke.com

Giang Thi Huong Tran  
Consultant  
giang.t@tilleke.com

In January 2016, Decree 06/2016/ND-CP on Management, Provision, and Use of Broadcasting and TV Services (Decree 06) was promulgated, effective from March 15, 2016. Decree 06 will replace Decision 20/2011 on Pay TV and Circular 19/2009 on Coproduction of Radio and TV Programs.

Below are some key highlights of Decree 06:

### **Pay TV**

- Provides clear regulations on Internet TV, which is introduced as a new category of broadcasting and TV services.
- Classifies foreign program channels into those with and those without payment of royalties. Channels of the latter type are exempt from landing license requirements. Otherwise, all the cumbersome requirements of landing licenses, editing licenses, and translation are still present.
- Allows foreign program channels to have multiple authorized agents for landing licenses.
- Adds an additional requirement for translation of 100 percent of the content of cartoon film channels.
- Continues not to allow overseas preinstalled advertisements. Any advertising content must be made in Vietnam and comply with Vietnam's advertising laws.
- Limits the number of foreign program channels in pay TV services to 30 percent of the total number of program channels.
- Includes new provisions on the system of technical regulations for equipment, broadcasting, and TV services; and requires broadcasting and TV equipment to be certified or declared to conform to technical regulations before circulation in the market.
- Provides a new requirement for pay TV service providers to publish service fees at their business premises.

### **Coproduction Activities of Radio and TV Programs**

Decree 06 maintains the key requirements of Circular 19. In particular, there is a main provision in the new decree regulating coproduction activities, as follows:

- A coproducer of a broadcasting or TV program must be a legal entity established in accordance with Vietnam law.

- Benefits of coproduction partners are paid from the benefits obtained from the activities of advertising, sponsorship, or other legal income of the unit having the domestic program channel production license when broadcasting such coproduced programs or program channels.
- Radio or TV programs on news or politics are not allowed to be coproduced.
- The period of coproduced programs cannot exceed 30 percent of the total duration of a news-politics program channel or of a program channel for the purpose of politics or essential information dissemination.

If you have any questions about Decree 06 or other technology, media, and telecommunications matters, please contact [vietnam@tilleke.com](mailto:vietnam@tilleke.com).

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