

## **DECREE**

### **On road traffic-related electronic payment<sup>1</sup>**

*Pursuant to the June 19, 2015 Law on Organization of the Government; and the November 22, 2019 Law Amending and Supplementing a Number of Articles of the Law on Organization of the Government and the Law on Organization of Local Administration;*

*Pursuant to the June 27, 2024 Law on Roads;*

*Pursuant to the June 29, 2006 Law on Information Technology;*

*Pursuant to the November 19, 2015 Law on Cyberinformation Security;*

*Pursuant to the November 25, 2015 Law on Charges and Fees;*

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

*Pursuant to the June 16, 2020 Law on Investment in the Form of Public-Private Partnership;*

*Pursuant to the June 19, 2023 Law on Price;*

*Pursuant to the June 22, 2023 Law on E-Transactions;*

*At the proposal of the Minister of Transport;*

*The Government promulgates the Decree on road traffic-related electronic payment.*

#### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1. Scope of regulation**

This Decree provides in detail road traffic-related electronic payment; traffic accounts; expressway toll payment; and the road traffic-related electronic payment database.

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<sup>1</sup> Công Báo Nos 1107-1108 (11/10/2024)

## **Article 2.** Subjects of application

This Decree applies to organizations and individuals involved in road traffic-related electronic payment activities.

## **Article 3.** Interpretation of terms

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

1. Road vehicles (below referred to as vehicles) means road motor vehicles, special-purpose vehicles and similar vehicles that are subject to fees, prices and service charges related to their traffic activities.

2. Vehicle owner means the owner of a vehicle or another individual or organization assigned by the vehicle owner the right to possess and use the vehicle that is subject to fees, prices and service charges related to the vehicle's traffic activities. Vehicle owners also act as traffic account holders and payment instrument owners specified in this Decree.

3. E-tag means an electronic device mounted on a vehicle to communicate information with a system of devices installed at toll collection points that conforms to the standards on passive radio frequency identification to facilitate wireless communication and storage of information related to technical safety and environmental protection inspection of the vehicle.

4. Fees, prices and service charges related to traffic activities of vehicles include:

a/ Road toll, including road toll specified in the law on price and highway toll charged to vehicles moving on expressways invested, owned, managed and operated by the State;

b/ Other fees, prices and service charges related to traffic activities of vehicles.

5. Competent agencies include:

a/ The Ministry of Transport, for road infrastructure investment projects subject to road toll that are managed by the Ministry of Transport, projects of the Vietnam Expressway Corporation, and services related to traffic activities of vehicles managed by the Ministry of Transport;

b/ Other ministries or sectors, for other services related to traffic activities of vehicles managed by ministries or sectors;

c/ Provincial-level People's Committees, for road infrastructure investment projects subject to road toll and services related to traffic activities of vehicles managed by localities.

6. Road toll payment service provider means a unit selected by a competent agency to provide road traffic-related electronic payment services with regard to the fees, prices and service charges specified in Clause 4 of this Article.

7. Road traffic-related payment service provider means a unit selected by a competent agency or toll collection management unit to provide road traffic-related electronic payment services with regard to the fees, prices and service charges specified at Point b, Clause 4 of this Article.

8. Toll collection management unit means an organization assigned by a competent agency the right to collect or having the right to collect fees, prices and service charges related to traffic activities of vehicles.

9. Toll collection operation unit means an organization selected by a toll collection management unit to operate a system of devices installed at toll collection points.

10. Toll collection point means a place where a toll plaza is located or a place where systems of devices are installed to interact with vehicles, read information of vehicles and e-tags and process road traffic-related electronic payment transactions or other forms of payment for vehicles that is approved by the toll collection management unit.

11. Road traffic-related electronic payment database management system means a component of the road database management system invested, managed, operated and exploited by the Ministry of Transport to serve centralized management of the road traffic-related electronic payment database.

12. Operating system and data center of a road toll payment service provider or of a road traffic-related payment service provider (below referred to as traffic-related electronic payment service provider) include modules and hardware and software systems located in data centers, serving traffic-related electronic payment requirements and processes. The operating system and data center of a traffic-related electronic payment service provider shall receive and process transactions sent from systems of devices installed at toll collection points and perform the functions specified in this Decree.

#### **Article 4.** General principles

1. To ensure the transparency of electronic payment of fees, prices and service charges related to traffic activities of vehicles.

2. To meet the requirements on interconnection between components of the traffic-related electronic payment system. Each vehicle may be mounted with only 1 e-tag at a time.

3. To ensure the safety and confidentiality of personal information of vehicle owners in accordance with the law on personal data protection, except cases of provision of information under decisions of competent state agencies in accordance with law.

4. To ensure the integration and provision of information in an adequate and timely manner to achieve the state management goals in accordance with law.

5. To guarantee the rights of vehicle owners to select and use value-added services and utilities.

**Article 5.** Prohibited acts in road traffic-related electronic payment activities

1. Destroying, forging or deleting data or interfering with contents of e-tags; transferring an e-tag from one vehicle to another.

2. Illegally infiltrating or attempting to infiltrate, sabotage or steal data or illegally altering software programs or electronic data used in road traffic-related electronic payment; taking advantage of errors of the computer network system for profiteering purpose.

3. Providing untruthful information in the course of participating in road traffic-related electronic payment activities.

4. Disclosing or providing information related to personal data in contravention of law.

5. Opening or maintaining anonymous or impersonated traffic accounts.

6. Deliberately evading or committing frauds in road traffic-related electronic payment.

7. Practicing unfair competition among traffic-related electronic payment service providers.

## Chapter II

### TRAFFIC-RELATED ELECTRONIC PAYMENT SYSTEM

**Article 6.** Components of the traffic-related electronic payment system

1. Road traffic-related electronic payment shall be made automatically by the road traffic-related electronic payment system (below referred to as the traffic-related electronic payment system).

2. The traffic-related electronic payment system consists of the following components:

a/ E-tags mounted on vehicles;

- b/ The road traffic-related electronic payment database management system;
- c/ Operating systems and data centers of traffic-related electronic payment service providers;
- d/ Systems of devices installed at collection points;
- dd/ Data transmission systems;
- e/ Other systems, devices and items ensuring the operation of the traffic-related electronic payment system, and ensuring the interconnection among the components of the traffic-related electronic payment system.

**Article 7.** E-tags mounted on vehicles

1. Vehicles shall be mounted with e-tags to serve the opening of traffic account. The mounting and activation of e-tags shall be carried out by road toll payment service providers in accordance with this Decree.
2. The Ministry of Public Security and the Ministry of National Defense shall coordinate with the Ministry of Transport and road toll payment service providers in mounting e-tags on vehicles that are intended for operating on the road for security and national defense purposes.
3. Vehicle owners shall pay expenses for e-tag mounting to road toll payment service providers. Road toll payment service providers shall provide warranty for e-tags for at least 12 months after the tags are mounted.

**Article 8.** Road traffic-related electronic payment database management system

1. The road traffic-related electronic payment database management system must satisfy the following requirements:
  - a/ Being established in conformity with standards or technical regulations on information technology and relevant techno-economic norms, ensuring its stable and uninterrupted operation;
  - b/ Being connected to the systems and databases specified in Clause 2 of this Article;
  - c/ Guaranteeing the right of agencies, organizations and individuals to exploit information in accordance with the law on e-transactions and other relevant laws.
2. The road traffic-related electronic payment database management system shall be connected to:
  - a/ Operating systems and data centers of traffic-related electronic payment service providers;

- b/ The road traffic order and safety database;
- c/ The National Population Database.

3. Information in the road traffic-related electronic payment database shall be managed in a centralized manner in the road traffic-related electronic payment database management system provided in the Appendix to this Decree.

4. Expenses for management, operation and exploitation of the road traffic-related electronic payment database management system shall be paid as expenses for organizing, managing and supervising the collection of fees, prices and service charges related to traffic activities of vehicles and the financial sources specified in Clause 1, Article 42 of the Law on Roads.

**Article 9.** Operating systems and data centers of traffic-related electronic payment service providers

1. A road toll payment service provider shall establish, renovate, upgrade, manage, operate and exploit its operating system and data center to serve:

- a/ Opening and management of traffic accounts;
- b/ Determination of expenses payable by vehicle owners for services provided by the road toll payment service provider;
- c/ Connection to legal payment instruments of cashless payment service providers or payment intermediary service providers (below collectively referred to as cashless payment instrument suppliers) under Clause 2, Article 11 of this Decree;
- d/ Refund of revenues from collected fees, prices and service charges related to traffic activities of vehicles to toll collection management units.

2. A road traffic-related payment service provider shall establish, renovate, upgrade, manage, operate and exploit its operating system and data center to serve:

- a/ Connection to, and use of traffic account information from, the road traffic-related electronic payment database management system;
- b/ Determination of expenses payable by vehicle owners for services provided by the road traffic-related payment service provider;
- c/ Connection to legal payment instruments of cashless payment instrument suppliers under Clause 2, Article 11 of this Decree;
- d/ Refund of revenues from collected fees, prices and service charges related to traffic activities of vehicles to toll collection management units.

3. The operating system and data center of a traffic-related electronic payment service provider must satisfy the following requirements:

a/ Being established in conformity with standards or technical regulations on information technology and relevant techno-economic norms, ensuring its stable and uninterrupted operation;

b/ Being connected to the systems and databases specified in Clause 4 of this Article;

c/ Guaranteeing the right of agencies, organizations and individuals to exploit information in accordance with the law on e-transactions and other relevant laws.

4. The operating system and data center of a traffic-related electronic payment service provider shall be connected to:

a/ The road traffic-related electronic payment database management system;

b/ Systems of devices installed at toll collection points;

c/ Operating systems and data centers of other traffic-related electronic payment service providers.

#### **Article 10.** Systems of devices installed at toll collection points

1. Systems of devices installed at toll collection points shall be designed, established, renovated, upgraded, managed, operated, maintained and connected to the operating systems and data centers of traffic-related electronic payment service providers to serve:

a/ Determination of transactions of vehicles at toll collection points;

b/ Determination of expenses payable by vehicle owners in road traffic-related electronic payment transactions that have not yet been determined by traffic-related electronic payment service providers under Point b, Clause 1, and Point b, Clause 2, Article 9 of this Decree.

2. Toll collection management units shall organize the establishment, renovation, management and operation of systems of devices installed at toll collection points and decide on the management, operation and maintenance expenses under Article 41 of the Law on Roads.

### Chapter III

#### OPENING AND USE OF TRAFFIC ACCOUNTS

##### **Article 11.** Opening of traffic accounts

1. Road toll payment service providers shall open traffic accounts and provide accounts for accessing the road traffic-related electronic payment application for vehicle owners upon the initial mounting of e-tags.

2. At the time of making road traffic-related electronic payment transactions, a traffic account may be connected to only one cashless payment instrument in accordance with the banking law to make road traffic-related electronic payment. Cashless payment instruments shall be provided by cashless payment instrument suppliers under service contracts with traffic-related electronic payment service providers.

3. Each traffic account may be used to pay for multiple vehicles that are owned by the same vehicle owner; each vehicle's toll may be paid through only one traffic account.

4. Eligible for opening of traffic accounts are:

a/ Vehicle owners who are individuals with the full civil act capacity as provided by law;

b/ Vehicle owners that are organizations lawfully established and operating in accordance with law.

5. A dossier for opening of a traffic account must have sufficient information on the traffic account as provided in the Appendix to this Decree.

6. Authentication of information on vehicle owners that wish to open traffic accounts

a/ A vehicle owner shall fully and accurately provide and update information in the dossier for opening of a traffic account to the road toll payment service provider and take responsibility for the truthfulness of the provided information.

b/ The road toll payment service provider shall check and collate information; and verify vehicle owner identification information, for vehicle owners being organizations, or authenticate vehicle owner identification information through the National Population Database, for vehicle owners being individuals.

7. Traffic account information shall be synchronized by traffic-related electronic payment service providers after the traffic accounts are opened or upon occurrence of a change in such information with the road traffic-related electronic payment database management system. Information on payment instruments shall be synchronized by road traffic-related payment service providers after the payment instruments are connected or upon change or addition of such payment instruments with the road traffic-related electronic payment database management

system. The information synchronization shall be carried out within 6 hours after the occurrence of updates or changes in the operating system and data center of the traffic-related electronic payment service provider.

8. Road toll payment service providers shall publicly notify vehicle owners of the terms and conditions on registration for opening and use of traffic accounts; order and procedures for receiving and processing dossiers for opening of traffic accounts; method and place of signing of contracts for opening and use of traffic accounts for different subjects as suitable to their conditions and provision capacity, ensuring compliance with law, and take responsibility for the accuracy and adequacy of such dossiers and contracts.

9. In case of occurrence of any change in information in the dossier for opening of a traffic account, the account holder shall notify such change to the road toll payment service provider for updating in the road traffic-related electronic payment database management system within 10 days from the date of occurrence of the change. The traffic account holder shall take full responsibility for failure to notify the change to the road toll payment service provider under this Clause.

#### **Article 12.** Use of traffic accounts

1. Vehicle owners shall ensure that money amounts in their payment instruments connected to their traffic accounts are sufficient when making road traffic-related electronic payment.

2. In case the money amount in a vehicle owner's payment instrument connected to its/his/her traffic account is insufficient to pay expressway toll, the vehicle is not allowed to move through the toll plaza on the expressway.

3. In case the money amount in a vehicle owner's payment instrument connected to its/his/her traffic account is insufficient to pay road toll, the vehicle must move through the mixed lane at the toll plaza, except the case specified in Clause 2 of this Article.

4. In case the money amount in a vehicle owner's payment instrument connected to its/his/her traffic account is insufficient to make road traffic-related electronic payment, except the cases specified in Clauses 2 and 3 of this Article, other forms of payment shall be applied at the toll collection point.

5. Road toll payment service providers may use the traffic accounts under their management to make road traffic-related electronic payment for the services they provide.

6. When requested or consented to by a traffic account holder, the road traffic-related payment service provider may use the traffic account information through data connection and sharing with the road traffic-related electronic payment database management system to make road traffic-related electronic payment for the services it provides. Road traffic-related payment service providers shall provide accounts for accessing the road traffic-related electronic payment application for vehicle owners.

7. In case a traffic-related electronic payment service provider fails to maintain road traffic-related electronic payment services, the Ministry of Transport shall decide on the use of a traffic account to ensure uninterrupted electronic payment if consented to by the account holder.

### **Article 13.** Locking of traffic accounts

#### 1. Locking of a traffic account at the request of the account holder

a/ The road toll payment service provider shall lock a traffic account at the request of the account holder or his/her/its guardian or legal representative or as agreed in advance in writing between the account holder and the road toll payment service provider, except the case specified at Point b of this Clause.

b/ The road toll payment service provider may reject the request for locking of a traffic account when the account holder has yet to make full payment of the debt payable to the road toll payment service provider or the road traffic-related payment service provider. Information on the debt payable to the road traffic-related payment service provider shall be synchronized from the road traffic-related electronic payment database management system.

c/ The duration of locking of a traffic account is that requested by the account holder or his/her/its guardian or legal representative or agreed in writing between the account holder and the traffic-related electronic payment service provider.

#### 2. Locking of traffic accounts as requested in writing by competent agencies in accordance with law

a/ Road toll payment service providers shall lock traffic accounts when requested in writing by competent agencies in accordance with law.

b/ Immediately after locking a traffic account, the road toll payment service provider shall notify the account holder or his/her/its guardian or legal representative of the reason for locking the account.

c/ The duration of locking of a traffic account is that stated in the competent agency's request for locking of a traffic account or request for termination of the locking of a traffic account.

#### **Article 14.** Closure of traffic accounts

1. A road toll payment service provider shall close a traffic account in the following cases:

a/ The traffic account holder or his/her/its guardian or legal representative makes a request for closure of the traffic account and the account holder has fulfilled the obligations related to the account;

b/ The traffic account holder who is an individual dies or is declared dead or missing; or the traffic account holder that is an organization is subject to operation termination, bankruptcy or dissolution in accordance with law;

c/ Cases of closure of the traffic account as agreed upon between the road toll payment service provider and the traffic account holder;

d/ The traffic account holder commits one of the prohibited acts specified in Article 5 of this Decree or breaches the agreement on opening and use of the traffic account with the road toll payment service provider;

dd/ Other cases as specified by law.

2. After having his/her traffic account closed, the account holder shall, if wishing to resume the traffic account, carry out the procedures for opening of a traffic account under Article 11 of this Decree.

### Chapter IV

#### ROAD TRAFFIC-RELATED ELECTRONIC PAYMENT

##### Section 1

##### ROAD TOLL PAYMENT

#### **Article 15.** Electronic payment of road toll

1. Forms of electronic operation of systems of devices installed at toll plazas

a/ The form of barrier toll system with single lanes

In this form, barriers at toll plazas will be lifted for passage by vehicles that are mounted with valid e-tags and make successful payment of road toll.

b/ The form of barrier-free toll system with multiple lanes

In this form, at toll plazas, only gantries and toll collection devices mounted thereon are maintained. This form is only applied at entrances of expressways.

## 2. Processing of road-toll electronic payment transactions

a/ When a vehicle enters the identification area of the system of devices installed at a toll plaza, this system will read the transaction information and send it to the operating system and data center of the road toll payment service provider in order to proceed with the road toll payment and send the information back to such system for completing the transaction for the vehicle.

b/ The to-be-exchanged information and the processing of road toll payment transactions must conform to technical regulations and standards on toll plazas and other relevant technical regulations and standards.

c/ After transactions are completed, the road toll payment service provider and the toll collection operation unit shall synchronize information on road toll payment transactions for forwarding to the road traffic-related electronic payment database.

## 3. Methods of road toll payment

Road toll payment shall be made by open method and closed method, specifically as follows:

a/ Open method means a payment method whereby a vehicle owner has to pay a money amount at the toll plaza, regardless of the distance the vehicle has travelled on the toll road section, only taking into account the type of the vehicle.

b/ Closed method means a payment method whereby a vehicle owner has to pay a money amount at the toll plaza based on the distance the vehicle has travelled on the toll road section and the type of the vehicle.

4. Routes and sections of expressways; and routes and sections of successive expressways are subject to the same electronic toll collection system by the closed method.

5. For toll plazas not located on expressways, electronic toll collection shall be applied and each toll plaza must have 1 mixed lane or 1 lane for incident response (the lane allowing both electronic toll collection and manual toll collection) in each direction of traffic under regulations.

6. The designing, investment, construction, renovation and upgrading of toll plazas, forms of operation of systems of devices installed at toll plazas, and methods of road toll collection shall be decided by competent authorities in

feasibility study reports of road infrastructure investment projects or in schemes on operation of road infrastructure assets.

**Article 16.** Reconciliation of revenues from road toll

1. Reconciliation of revenues from road toll must adhere to the following principles:

a/ Every day, a road toll payment service provider shall carry out reconciliation of revenues from road toll with data taken from 00:00 to 24:00 with the toll collection operation unit for use as a basis for the road toll payment service provider to refund revenues from road toll to the toll collection management unit.

b/ Every month, the road toll payment service provider and the toll collection management unit shall reconcile and close the debts before the 5<sup>th</sup> of the subsequent month or another time agreed upon by the parties.

c/ Within 30 days from the end of a fiscal year, the road toll payment service provider and the toll collection management unit shall close the debts and make account-finalization for the preceding year.

2. Road toll payment service providers shall develop a process for specifying the time for clearing and payment, and data checking and collation, ensuring the timely, complete and accurate account-finalization for related parties.

3. Toll collection management units, toll collection operation units and road toll payment service providers shall coordinate with one another in carrying out the process of conciliation, and correct or adjust deviations detected through the conciliation process.

4. After reconciling revenues from road toll, road toll payment service providers shall synchronize the modified information on road toll payment transactions for forwarding to the road traffic-related electronic payment database.

**Article 17.** Refund of revenues from road toll

1. Based on the data agreed after the daily reconciliation of revenues from road toll, the road toll payment service provider shall transfer the amount of revenues from road toll (inclusive of value-added tax) in the form of electronic toll collection, based on the conciliated data at each toll plaza, to the toll collection management unit, that is left after deducting expenses for road toll collection organization, management and monitoring. The time of transfer shall be stated in the toll collection service contract between the road toll payment service provider and the toll collection management unit but must be within 48 hours from the time of data cut-off. In case the banking system is closed on holidays and weekends,

making it impossible to make via-bank money transfer, such amount shall be transferred on the next working day, unless otherwise agreed by the parties.

2. Road toll payment service providers shall develop a process of conducting electronic toll collection transactions; and declare and pay taxes on expenses for road toll collection organization, management and supervision they are entitled to receive in accordance with law.

**Article 18.** Handling of cases of toll exemption or monthly, quarterly or annual toll collection

1. Vehicles exempt from road toll as specified by law are entitled to mounting of e-tags and opening of traffic accounts with priority vehicle information; when approaching electronic toll collection lanes, such vehicles shall be automatically identified and allowed to pass through toll plazas.

2. Monthly, quarterly or annual toll collection

a/ In case a vehicle owner wishes to make monthly, quarterly or annual payment of road toll for one or several of certain toll plazas in the form of electronic toll collection, the road toll payment service provider shall deduct money from the vehicle owner's payment instrument at the time of payment registration.

b/ For vehicles already registered for monthly, quarterly or annual payment of road toll that pass through the registered toll plazas, road toll payment service providers will not deduct money from the vehicle owners' payment instruments. In addition to making monthly, quarterly or annual payment of road toll to the registered toll plazas, vehicle owners shall make payment in other law-specified forms so as to pass through other toll plazas applying electronic toll collection if they wish to use such toll plazas.

**Article 19.** Expenses for road toll collection organization, management and monitoring

1. Expenses for road toll collection organization, management and monitoring include expenses payable to road toll payment service providers and expenses for management, operation and exploitation of the road traffic-related electronic payment database management system.

2. Expenses payable to road toll payment service providers shall be determined in toll collection service contracts between road toll payment service providers and toll collection management units.

## Section 2

### PAYMENT OF OTHER FEES, PRICES AND SERVICE CHARGES

#### **Article 20.** Payment of other fees, prices and service charges

1. Toll collection management units shall apply the form of barrier toll system with single lanes or use systems of mobile devices to read e-tag information for payment of other fees, prices and service charges to be collected.

2. Processing of payment transactions

a/ In case a road traffic-related payment service provider determines charges:

When a vehicle enters the identification zone of a system of devices installed at a toll collection point, such system of devices shall read transaction information and send it to the operating system and data center of the road traffic-related payment service provider for making road traffic-related electronic payment, and send the information back to the system to complete the transaction for the vehicle moving through the toll collection point.

b/ In case a system of devices installed at a toll collection point determines charges:

When a vehicle enters the identification zone of a system of devices installed at a toll collection point, such system of devices shall read information for calculating other fees, prices and service charges to be collected and send the transaction information to the system of the road traffic-related payment service provider for making road traffic-related electronic payment; the road traffic-related payment service provider shall send the processed transaction information to the system of devices installed at the toll collection point to complete the transaction for the vehicle moving through the toll collection point.

c/ The contents of information exchange and the course of processing road traffic-related electronic payment transactions must comply with technical regulations and standards on toll collection points and other relevant technical regulations and standards.

d/ Upon completion of the transaction, the road traffic-related payment service provider and toll collection operation unit shall synchronize information on road traffic-related electronic payment transactions with the road traffic-related electronic payment database.

dd/ The toll collection management unit shall decide on the processing of payment under Point a or b, Clause 2 of this Clause.

3. Toll collection management units shall decide on payment methods suitable for services subject to fee, price and service charge collection.

**Article 21. Reconciliation of service revenues**

1. Reconciliation of service revenues must adhere to the following principles:

a/ Every day, road traffic-related payment service providers shall reconcile service revenues with the systems of devices installed at toll collection points within the time frame from 00:00 to 24:00 (data cut-off time) for use as a basis to refund service revenues to toll collection management units;

b/ Every month, road traffic-related payment service providers and toll collection management units shall reconcile and review debt data before the 5<sup>th</sup> of the following month or at another time agreed upon by the concerned parties;

c/ Within 30 days after the end of each fiscal year, road traffic-related payment service providers and toll collection management units shall review debt data and carry out account-finalization for the preceding year.

2. Road traffic-related payment service providers shall formulate operational procedures specifying the time for reconciliation, payment, and data checking and collation to ensure prompt, complete and accurate account-finalization for the concerned parties.

3. Toll collection management units, toll collection operation units and road traffic-related payment service providers shall coordinate with one another in carrying out reconciliation to correct or adjust deviations detected through the reconciliation process.

4. After reconciling service revenues, road traffic-related payment service providers shall synchronize the modified information on road traffic-related electronic payment transactions with the road traffic-related electronic payment database.

**Article 22. Refund of service revenues**

1. Based on the data agreed after the daily reconciliation of service revenues, the road traffic-related payment service provider shall transfer the total amount corresponding to the service revenues, based on the reconciled data at each toll collection point (inclusive of value added tax) to the toll collection management unit, that is left after deducting expenses for organization, management and supervision of the collection of other fees, prices and service charges under regulations. The time limit for the refund shall be stated in the collection service contract signed between the road traffic-related payment service provider and the toll collection management unit but must be within 48 hours from the data cut-off

time. In case the banking system is closed on holidays and weekends, making it impossible to make via-bank money transfer, such amount shall be transferred on the next working day, unless otherwise agreed by the parties.

2. The road traffic-related payment service provider shall develop a process for the collection of other fees, prices and service charges; declare and pay taxes imposed on the amounts it receives from expenses for organization, management and supervision of the collection of other fees, prices and service charges in accordance with law.

**Article 23.** Handling of cases of exemption from other fees, prices and service charges or cases subject to monthly, quarterly or annual collection of other fees, prices and service charges

1. When approaching toll collection points, vehicles that are exempt from other fees, prices and service charges in accordance with law or regulations of toll collection management units, and have been mounted with e-tags shall be automatically identified and allowed to pass through the toll collection points or confirmed as exempt from other fees, prices and service charges.

2. Monthly, quarterly or annual collection of other fees, prices and service charges

a/ In case a vehicle owner wishes to pay other fees, prices and service charges on a monthly, quarterly or annual basis for one or more than one specific toll collection point, the road traffic-related payment service provider shall deduct money from the vehicle owner's payment instrument at the time of payment registration.

b/ When a vehicle for which monthly, quarterly or annual payment of other fees, prices and service charges has been registered approaches the registered toll collection point(s), the systems of devices installed at the toll collection point(s) will not deduct money from the vehicle owner's payment instruments. In addition to making monthly, quarterly or annual payment of other fees, prices and service charges to the registered toll collection point(s), the vehicle owner shall apply the law-specified methods to make payment at other toll collection points if they wish to use such toll collection points.

**Article 24.** Expenses for organization, management and supervision of the collection of other fees, prices and service charges

1. Expenses for organization, management and supervision of the collection of other fees, prices and service charges include expenses for road traffic-related payment service providers and expenses for management, operation and

exploitation of the road traffic-related electronic payment database management system.

2. Expenses for road traffic-related payment service providers shall be determined in toll collection service contracts between road traffic-related payment service providers and toll collection management units.

### Section 3

## INFORMATION, REPORTING AND INFORMATION CONFIDENTIALITY AND SECURITY

### **Article 25.** Rights concerning information and reporting

1. Competent agencies, the Unit in charge of management of the road traffic-related electronic payment database management system and toll collection management units may request traffic-related electronic payment service providers to periodically or extraordinary provide information on road traffic-related electronic payment transactions.

2. Traffic-related electronic payment service providers and toll collection management units may request service-using vehicle owners to provide information on their traffic accounts or information on road traffic-related electronic payment transactions in compliance with Clause 3, Article 4 of this Decree.

### **Article 26.** Obligations concerning information and reporting

1. Traffic-related electronic payment service providers shall be obliged to report and provide information to competent agencies under Clause 1, Article 25 of this Decree.

2. Traffic-related electronic payment service providers shall be obliged to provide information on transactions via traffic accounts to vehicle owners being holders of traffic accounts as agreed upon.

### **Article 27.** Information confidentiality and cyberinformation security

#### 1. The right to refuse to provide information

The Unit in charge of operation of the road traffic-related electronic payment database management system, traffic-related electronic payment service providers and toll collection operation units may refuse requests of organizations or individuals for the provision of information on vehicle owners and their transactions, except the provision of information at the request of competent state agencies in accordance with law or with the consent of traffic account holders.

#### 2. The obligation to ensure information confidentiality

The Unit in charge of operation of the road traffic-related electronic payment database management system, traffic-related electronic payment service providers and toll collection operation units shall ensure confidentiality of information on vehicle owners and their transactions, unless otherwise prescribed by law.

### 3. Cyberinformation security

The Unit in charge of management of the road traffic-related electronic payment database management system, traffic-related electronic payment service providers and toll collection management units shall protect the information system of the road traffic-related electronic payment database management system in accordance with the laws on cyberinformation security and e-transactions.

### **Article 28.** Assurance of payment security

Traffic-related electronic payment service providers and toll collection operation units shall apply measures to ensure payment security in accordance with law. Vehicle owners shall abide by payment security measures under regulations and as instructed by traffic-related electronic payment service providers.

## Chapter V

### RESPONSIBILITIES OF CONCERNED UNITS IN PAYMENT

### **Article 29.** Responsibilities of the Ministry of Transport

1. To organize the performance of, and inspect and supervise, road traffic-related electronic payment activities, ensuring accuracy, objectivity and transparency.
2. To manage and control the operation of the traffic-related electronic payment system in accordance with law.
3. To invest in, manage, operate and exploit the road traffic-related electronic payment database management system under regulations.
4. To perform the competent agency's tasks for projects involving the collection of road tolls under regulations; to make electronic payment of fees, prices and service charges under its management that are related to vehicles' traffic activities.
5. To handle, or propose the handling of, arising issues within its competence.
6. To collaborate with the Ministry of Public Security in connecting and sharing data between the database on road traffic order and safety and the components of the traffic-related electronic payment system.

**Article 30.** Responsibilities of related ministries, sectors and localities

1. The Ministry of Public Security and the Ministry of National Defense shall direct their functional agencies to coordinate with the Ministry of Transport and road toll payment service providers in mounting e-tags on vehicles that are intended for operating on the road for national defense and security purposes.

2. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Transport in, managing and guiding traffic-related electronic payment service providers and toll collection management units to use electronic invoices in road traffic-related electronic payment activities in accordance with the law on invoices.

3. The Ministry of Information and Communications

a/ To grant radio frequency use licenses and handle harmful interference (if any) for radio equipment belonging to the traffic-related electronic payment system in accordance with the law on radio frequencies.

b/ To guide and support related units in ensuring information security for components of the traffic-related electronic payment system in accordance with law.

c/ To examine and supervise related units' compliance with the law on information technology concerning road traffic-related electronic payment activities.

d/ To direct news and press agencies and grassroots information systems to accelerate the dissemination of benefits brought by, as well as the law on, road traffic-related electronic payment.

4. Other ministries and sectors shall, within the ambit of their functions and competence, perform tasks in electronic payment for fees, prices and service charges related to traffic activities of vehicles under their management.

5. Provincial-level People's Committees shall perform competent agencies' tasks for projects involving the collection road tolls under regulations; and make electronic payment for fees, prices and service charges under their management that are related to traffic activities of vehicles.

**Article 31.** Rights and obligations of vehicle owners

1. To have e-tags mounted for their vehicles when taking their vehicles for inspection or before their vehicle inspection period expires or when their vehicles approach a toll plaza for the first time or as soon as the e-tags are lost or damaged

due to their fault or after the warranty period expires; to make payment for mounting of e-tags to road toll payment service providers under regulations.

2. To provide information serving the opening of traffic accounts, and declare and modify traffic account information upon occurrence of changes thereto; to provide necessary information for traffic-related electronic payment service providers to refund the money to payment instruments linked to vehicle owners' traffic accounts when necessary.

3. To perform road traffic-related electronic payment services under the instructions of traffic-related electronic payment service providers.

4. To cooperate with road toll payment service providers in converting the existing toll collection accounts under the Prime Minister's Decision No. 19/2020/QĐ-TTg of June 17, 2020, into traffic accounts and connecting cashless payment instruments with traffic accounts before October 1, 2025.

5. To read and understand their rights and obligations, and agree to comply with regulations on personal data confidentiality when providing, or permitting the sharing of, their personal information and data with traffic-related electronic payment service providers, toll collection management units and toll collection operation units in order to identify, authenticate, process and store data in the provision of road traffic-related electronic payment services for vehicles.

6. To decide on the use of traffic account information for making road traffic-related electronic payment.

7. To pay fees, prices and service charges relating to their vehicles' traffic activities according to regulations.

8. To abide by traffic guidance when moving through toll collection points.

**Article 32.** Rights and obligations of traffic-related electronic payment service providers toward vehicle owners

1. To provide vehicle owners with use instructions and warranty for e-tags mounted on vehicles in case traffic-related electronic payment service providers also act as road toll payment service providers.

2. To provide vehicle owners with service use instructions.

3. To receive and process information and complaints of vehicle owners:

a/ To apply at least two forms of receiving information and complaints, including the form of receiving information via the telephone switchboard (with call recording and available 24/7) and the form of receiving information at head offices/branches of traffic-related electronic payment service providers; to ensure

the authentication of basic information provided by vehicle owners to traffic-related electronic payment service providers;

b/ The time limit for handling a review request or complaint of a vehicle owner is 45 working days from the date of receipt of such request or complaint.

4. To handle review results or complaints:

a/ Within 5 working days after notifying results of settlement of review requests and complaints to vehicle owners, traffic-related electronic payment service providers shall compensate the vehicle owners for losses as agreed and under current regulations, for losses not caused by vehicle owners and/or not falling into *force majeure* circumstances under agreements on the terms and conditions on use of services.

b/ Upon the expiration of the time limit for handling review requests and complaints specified at Point b, Clause 3 of this Article, if the cause or fault has not yet been identified, traffic-related electronic payment service providers shall, within the next 15 working days, negotiate with vehicle owners on solutions, or temporarily compensate them for losses until competent agencies give their final conclusions, clearly identifying faults and responsibilities of the parties.

5. When a case or matter shows signs of crime, the traffic-related electronic payment service provider shall notify thereof to the competent state agency in accordance with the criminal procedure law and report such to the Department for Roads of Vietnam; and concurrently notify in writing the vehicle owner of the handling of review requests or complaints. The handling of results of settlement of review requests or complaints is the responsibility of competent state agencies. If the competent state agency concludes that no signs of crime are found, within 15 working days after the competent state agency issues such conclusion, the traffic-related electronic payment service provider shall negotiate with the vehicle owner on the solution to the settlement of the review request or complaint.

6. In case the traffic-related electronic payment service provider, the vehicle owner and other concerned parties fail to reach an agreement and/or disagree with the handling of the review request or complaint, the settlement of disputes must comply with law.

7. To provide vehicle owners with guidance on the collection, processing, use and storage of personal data and information and request them to confirm their consent before sharing part or the whole of their personal data and information with concerned parties to serve the provision of road traffic-related electronic payment services to vehicles.

8. To retain data on vehicle owners' "Right to know," "Right to consent," "Right to access," "Right to withdraw consent," "Right to delete," or "Right to restricted data processing," and "Right to provide data " when using services.

9. To apply personal data protection measures in conformity with personal data protection standards and law; to protect lawful rights and interests of vehicle owners and traffic-related electronic payment service providers in the course of processing personal data.

**Article 33.** Other rights and obligations of traffic-related electronic payment service providers

1. For toll collection management units

a/ To sign toll collection service provision contracts with toll collection management units; to exercise the rights and fulfill the obligations stated in the signed contracts.

b/ To refund revenues according to regulations.

2. To formulate and promulgate operational procedures specified in Articles 16, 17, 21 and 22 of this Decree.

3. To synchronize traffic account information and information on road traffic-related electronic payment transactions with the road traffic-related electronic payment database in accordance with this Decree.

4. To notify traffic police agencies when detecting cases in which vehicles are mounted with counterfeit license plates or license plates not granted by competent agencies so as to promptly prevent and handle violations.

5. To implement the reporting regime under regulations.

6. To declare and pay taxes, fees and charges in accordance with the laws on taxes, fees and charges.

7. To open accounts in the system of commercial banks to receive payments by vehicle owners in road traffic-related electronic payment.

8. To provide images, and information on vehicles' itineraries and schedules if so requested by competent agencies.

9. To perform other responsibilities under contracts signed with related units and this Decree.

**Article 34.** Rights and obligations of toll collection operation units

1. To perform tasks assigned by toll collection management units or under toll collection service contracts signed with toll collection management units; to

coordinate with functional agencies of localities where toll collection points are installed in maintaining security and order during the process of road traffic-related electronic payment, maintaining traffic safety and preventing congestion and negative practices, removing obstacles and inconveniences for road traffic-related electronic payment activities; to promptly handle payment-related violations.

2. In case the system of devices installed at a toll collection point is broken down, the toll collection operation unit shall promptly report thereof to the competent agency or the toll collection management unit and, at the same time, promptly remedy the system's incidents. The incident remediation period must not exceed 48 hours since the system is broken down. During the remediation period, the toll collection operation unit shall publicly announce the situation at the toll collection point and in the mass media, and adopt measures to ensure fast and safe toll collection and avoid traffic congestion as well as supervise for preventing revenue loss.

3. To perform operational procedures issued by traffic-related electronic payment service providers.

4. To synchronize information on road traffic-related electronic payment transactions with the road traffic-related electronic payment database in accordance with this Decree.

5. To apply personal data protection measures in compliance with personal data protection standards and law; to protect lawful rights and interests of vehicle owners and toll collection operation units in the course of processing personal data.

6. To perform other responsibilities stated in contracts with related units and specified in this Decree.

### **Article 35.** Rights and obligations of toll collection management units

1. To assume the prime responsibility for formulating and approving procedures for road traffic-related electronic payment suitable to electronic payment forms and methods at toll collection points; to establish internal regulations on examination, and handling of violations and incidents during the process of road traffic-related electronic payment.

2. To design, invest in, establish, renovate, manage and operate the systems of devices installed at toll collection points in accordance with regulations or sign contracts to assign toll collection operation units to do so.

3. To sign toll collection service provision contracts with traffic-related electronic payment service providers; to exercise the rights and perform the obligations stated in the signed contracts.

4. To perform operational procedures issued by traffic-related electronic payment service providers.

5. To implement the reporting regime under regulations.

6. To declare and pay taxes, fees and charges in accordance with the laws on tax, fees and charges.

7. To apply personal data protection measures in compliance with personal data protection standards and law; to protect lawful rights and interests of vehicle owners and toll collection management units in the course of processing personal data.

6. To perform other responsibilities stated in contracts with related units and specified in this Decree.

## Chapter IV

### ORGANIZATION OF IMPLEMENTATION

#### **Article 36.** Transitional handling

1. The electronic toll collection under the Prime Minister's Decision No. 19/2020/QĐ-TTg of June 17, 2020 (below referred to as Decision No. 19/2020/QĐ-TTg), shall be further implemented until July 1, 2026.

2. Road toll collection service providers specified in Decision No. 19/2020/QĐ-TTg are the road toll payment service providers specified in this Decree.

3. Road toll payment service providers may continue to collect road tolls under the provisions concerning electronic toll collection in Decision No. 19/2020/QĐ-TTg until July 1, 2026.

4. Road traffic-related payment service providers and road toll payment service providers shall connect their operating systems and data centers in order to connect and share traffic account information until July 1, 2026. Connection expenses shall be agreed upon by the parties.

5. Related agencies and units shall modify project contracts and relevant contents under Decision No. 19/2020/QĐ-TTg to be conformable with this Decree. The inclusion of road traffic-related electronic payment services in contracts signed between road toll collection service providers under Decision No.

19/2020/QĐ-TTg and competent agencies shall be based on negotiations and contract modification.

6. Road toll payment service providers shall complete the conversion of vehicle owners' toll collection accounts under Decision No. 19/2020/QĐ-TTg into traffic accounts connected to vehicle owners' payment instruments before October 1, 2025.

7. Road toll payment service providers shall complete the transfer of money from vehicle owners' toll collection accounts under Decision No. 19/2020/QĐ-TTg to their payment instruments connected to traffic accounts before October 1, 2025.

**Article 37.** Effect

1. This Decree takes effect on October 1, 2024.

2. The road traffic-related electronic payment database management system will begin operation on July 1, 2026. This Decree's provisions related to the road traffic-related electronic payment database management system will take effect on July 1, 2026.

**Article 38.** Responsibility for organization of implementation

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees and related organizations and individuals shall implement this Decree.-

On behalf of the Government

*On behalf of the Government*

For the Prime Minister

Deputy Prime Minister

TRAN HONG HA

*\* The Appendix to this Decree is not translated.*