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DECREE NO. 341/2026/ND-CP: LEGAL FRAMEWORK FOR CIVIL CRYPTOGRAPHIC BUSINESS AND IMPORT/EXPORT

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The business and import/export of technology equipment incorporating encryption functions has consistently been one of the most complex legal and technical bottlenecks for information technology (IT) enterprises, system integrators (SIs), and hardware distributors in Vietnam. The actual risks do not merely lie in the potential blockage of an entire shipment at customs checkpoints due to sector-specific procedural requirements, but also in the sanction of suspension of business activities for up to 06 months if an enterprise fails to maintain the required personnel standards or provides services beyond the scope of its license.

Issued on 01 September 2026 to provide detailed regulations on the Law on Cybersecurity in respect of civil cryptography activities, Decree No. 341/2026/ND-CP establishes a comprehensive legal framework governing the entire product lifecycle, from assessment and issuance of the business license (valid for 10 years), issuance of import/export licenses under the three-point matching principle (valid for 03 years), and the “single-window” mechanism for dual-use products, to customer information governance and periodic reporting before 31 December each year.

To assist enterprises in proactively resolving regulatory issues and maintaining uninterrupted operations, this article provides a detailed consolidation of all mandatory requirements applicable to enterprises conducting business in civil cryptographic products and services.

Part I. Business License for Civil Cryptographic Products and Services

1. Concept of Civil Cryptographic Products and Services

Civil Cryptographic Products (CCPs): Pursuant to Article 3.1 and the Explanatory Section of Appendix I, a product is classified as a CCP only when it is specifically designed to protect information outside the scope of state secrets by means of cryptographic techniques, using symmetric algorithms (such as AES and DES/3DES) or asymmetric algorithms (such as RSA and ECC). Where encryption is merely ancillary or supplementary to a general-purpose IT device, the product is not considered a CCP subject to conditional business regulation.

Practical examples of specialized CCPs:

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- **Key generation and management devices:** Specialized Hardware Security Modules (HSMs) used in electronic banking payment systems and financial transactions; PKI USB Tokens, PKI Smartcards, or PKI SIMs used to create specialized digital signatures.
- **IP traffic security devices and solutions:** Hardware network gateways or specialized software for establishing virtual private network channels using IPsec VPN, TLS VPN, or MACsec technologies to encrypt data at the data-link layer.
- **Multimedia communications security devices:** Specialized devices or software for encrypting audio signals and video calls using ZRTP, SRTP, SIPS, or advanced secure WebRTC protocols.
- **Practical exclusions:** General-purpose devices that contain encryption algorithms but fall within the 12 categories excluded under Appendix I are not CCPs requiring licensing (e.g., self-encrypting drives using SED technology; computers incorporating TPM chips for boot-password protection; surveillance cameras; and ordinary smartphones without dedicated end-to-end encryption functionality).

Civil Cryptographic Services: Pursuant to Article 3.2, civil cryptographic services are activities commercializing cryptographic technical capabilities for provision to third parties, comprising 03 independent specialized service groups:

- **Information protection services using CCPs:**

Example: An enterprise providing Cloud HSM-as-a-Service infrastructure to Fintech companies integrating digital signatures; establishing and operating IPsec VPN encrypted data transmission gateways connecting branches of retail chains/banks; and providing encryption and security services for centralized data repositories.

- **CCP assessment services:**

Example: Reviewing and testing for malicious code, assessing the security of encryption algorithms, and testing random number generation mechanisms of hardware/software modules before market release or for conformity assessment and conformity certification procedures.

- **Cybersecurity and information security consultancy services using CCPs:**

Example: Consulting on the design of an enterprise public key infrastructure (PKI) architecture; consulting on solutions for encrypting internal data transmission flows; and consulting on cryptographic parameter configuration and the selection of CCP equipment conforming to applicable national technical regulations and standards.

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Practical exclusions: Ordinary computer maintenance (IT Helpdesk), general ISO 27001 process consulting, installation of anti-virus software, or provision of basic virtual private server (VPS)/hosting services are not considered CCP service businesses. Licensing obligations arise only where the direct subject matter of the service contract is the operation, assessment, or consultancy associated with specialized cryptographic products/algorithms.

Chapter II of Decree No. 341/2026/ND-CP establishes a comprehensive legal framework, standardizes quantitative conditions, and streamlines administrative procedures applicable to organizations and enterprises conducting business in civil cryptographic products and services (CCPs).

2. List of Products and Services Requiring a Business License (Appendix I)

Business activities may only be conducted where the enterprise has obtained a license for the product and service groups listed in Appendix I:

- **07 groups of specialized CCPs:**

Group 1: Products for generating, managing, or storing cryptographic keys (HSMs, PKI USB Tokens, PKI Smartcards, PKI SIMs, etc.).

Group 2: Products for securing stored data (memory cards, USB devices, chips, specialized storage systems, or encrypted cloud solutions).

Group 3: Products for securing data exchanged over networks (encryption and digital signing of transmitted data).

Group 4: Products for securing IP traffic (VPN devices and software such as IPsec VPN, TLS VPN, and MACsec).

Group 5: Products for securing analog and digital voice communications (signal encryption using ZRTP, SRTP, WebRTC, SIPs, etc.).

Group 6: Products for securing radio communications.

Group 7: Products for securing fax and telegraph communications.

- **03 groups of specialized CCP services:**

Information protection services using CCPs.

CCP assessment services.

Cybersecurity and information security consultancy services using CCPs.

3. Licensing Principles and Allocation of Regulatory Authority

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Business license term: A business license for CCPs and civil cryptographic services is valid for up to 10 years, thereby enhancing long-term stability for the enterprise's investment planning.

Mandatory conformity certification: All CCPs must undergo inspection, conformity certification, and conformity declaration in accordance with the applicable technical standards and regulations before being officially placed on the market.

Allocation of licensing authority:

- **Government Cipher Committee:** The focal authority responsible for assessing conditions and issuing, amending, supplementing, temporarily suspending, and revoking business licenses for specialized CCPs and civil cryptographic services.
- **Ministry of Public Security (Single-Window Mechanism for Dual-Use Products):** Assesses and issues business licenses for cybersecurity products and services in respect of products integrating both cybersecurity and CCP functions. Before granting a license, the Ministry of Public Security is required to obtain written assessment opinions from the Government Cipher Committee regarding the civil cryptographic functions.

4. Three Conditions for Issuance of a Business License

An enterprise must fully satisfy and continuously maintain the following conditions throughout its operations:

Personnel requirements (quantitative standardization):

- At least **02 technical personnel:** Holding a bachelor's degree or higher in one of the following fields: electronics and telecommunications, information technology, mathematics, or information security.
- At least **01 managerial/executive personnel:** Holding a bachelor's degree in one of the above fields; where the degree is in another field, the individual must additionally hold a *training certificate* in information security and cybersecurity.

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Facilities requirements: Maintaining technical equipment and infrastructure appropriate to the scale, scope, and target users of the CCP products and services provided.

Technical plan requirement: Preparing a Technical Plan (Form No. 03, Appendix III) clearly describing the technical characteristics, cryptographic algorithms, cryptographic parameters, deployment model, applicable technical regulations, and product warranty and maintenance procedures.

5. Administrative Procedures and Discipline for Completing Dossiers

Submission method: Prepare 01 dossier and submit it directly, by post, or online with a valid digital signature through the National Public Service Portal to the Government Cipher Committee.

Time limit for examination and assessment of a new application (Article 5.4):

- *Validity check (01 working day):* The Government Cipher Committee examines the dossier; if it is invalid, it must issue a written notice providing guidance on amendment and supplementation.
- *Completion period (03 working days):* The enterprise must supplement the dossier as requested. If the deadline expires or the supplementation remains unsatisfactory, the Government Cipher Committee will issue a notice refusing the license within the following 03 working days.
- *Licensing assessment (12 days):* From the date on which a complete and valid dossier is received, the competent authority assesses the application and issues the License under Form No. 04, Appendix III (any refusal must state the reasons).

Time limits for amendment and supplementation of the license:

- *Administrative information amendment (Article 6):* Changes to the company name or legal representative shall be processed within 05 working days.được
- *Addition of products and services (Article 7):* The supplementary Technical Plan shall be assessed within 09 working days.

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6. Temporary Suspension and Revocation of the Business License

Temporary suspension of business activities (maximum 06 months): Applicable where the enterprise provides products/services inconsistent with the contents of the issued License or no longer maintains the required personnel, facilities, or technical conditions.

Revocation of the Business License: Applicable in serious cases, including:

- Falsification of dossiers, provision of false information, or unauthorized erasure or alteration of the License.
- The License was issued by an incompetent authority or on the basis of an improper dossier or procedure.
- Failure to commence the provision of products/services within 01 year from the date of licensing without a legitimate reason.
- Failure to remedy the violation upon expiry of the 06-month temporary suspension period.
- Expiry of the License or termination/suspension of the enterprise's CCP business activities.

Inter-agency coordination: Decisions on temporary suspension or revocation of the License shall be simultaneously sent by the Government Cipher Committee to the business registration authority and the Customs Authority for monitoring and enforcement purposes.

7. Mandatory Legal Responsibilities of Licensed Enterprises

Confidentiality and management of customer records: Enterprises must establish, retain, and protect the confidentiality of customer and end-user information, including names, addresses, entity type, quantity, and purposes of use of the products/services.

Right and obligation to refuse supply: Enterprises must proactively refuse to provide products/services upon discovering that an organization or individual violates laws governing the use of CCPs or breaches agreed usage commitments.

Periodic reporting obligation (deadline: 31 December): Before 31 December each year, enterprises must submit to the Government Cipher Committee

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a periodic report on business and import/export activities and a consolidated statement of customer/end-user information in accordance with Form No. 07, Appendix III.

Part II. Import and Export Licenses for Civil Cryptographic Products

Chapter III of Decree No. 341/2026/ND-CP establishes a specialized technical and administrative framework for strict control of the import and export of civil cryptographic products (CCPs), ensuring information security in connection with national security while facilitating uninterrupted customs clearance.

1. Principles for list management and allocation of licensing authority

License term: An import/export license for CCPs is valid for 03 years.

Mandatory “three-point matching” rule: An enterprise is required to obtain a specialized license only where the actual goods simultaneously satisfy all 03 criteria specified in Appendix II:

- Matching HS code.
- Matching goods description.
- Matching detailed cryptographic technical description.

Note: Where there is a discrepancy in the classification of commodity codes between the list in Appendix II and the current Vietnam List of Imports and Exports, the HS code shall be determined in accordance with customs laws.

Allocation of licensing authority:

- **Government Cipher Committee:** Assesses and issues import/export licenses for purely specialized CCPs.

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- **Ministry of Public Security:** Issues import/export licenses for dual-use products integrating both cybersecurity and civil cryptographic functions. Before granting the license, the Ministry of Public Security must obtain written assessment opinions from the Government Cipher Committee.

2. Three prerequisites for issuance of an import/export license

An enterprise may submit an application for an import/export license only after fully satisfying the following three fundamental conditions:

- **Valid business status:** The enterprise has been issued a valid Business License for CCPs and civil cryptographic services.
- **Quality standardization of imported products:** Imported CCPs must complete inspection, conformity certification, and conformity declaration procedures before being placed on the market.
- **Safe purpose of use:** The recipient and intended use of the products must not prejudice national defense, national security, public order, or social safety.

3. Application assessment procedure and time limits

The licensing procedure is streamlined to the greatest extent possible to facilitate international commercial contracts:

Application dossier: Submit 01 dossier, either directly, by post, or through the National Public Service Portal with a valid digital signature, comprising the application for an import/export license and the product list declaration under Form No. 05, Appendix III.

Processing time:

- **Validity check (01 working day):** The Government Cipher Committee examines the dossier; if it is invalid, it must issue a written notice specifying the required amendments or supplements.

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- **Enterprise completion period (01 working day):** The enterprise must supplement or amend the dossier within 01 working day from receipt of the notice. If the deadline expires or the resubmitted dossier remains unsatisfactory, the competent authority shall issue a refusal notice within the following 01 working day.
- **Assessment and licensing (06 working days):** From the date on which a complete and valid dossier is received, the Government Cipher Committee assesses the contents and issues the import/export license (Form No. 06, Appendix III). Any refusal must state the reasons in writing.

4. 07 Cases for License Revocation and Consequences

The enterprise's import/export license shall be revoked where any of the following circumstances occurs:

- **Fraudulent dossier:** Falsification of documents in the licensing dossier; unauthorized erasure or alteration resulting in inaccurate license contents.
- **Procedural violations:** The license was issued by an incompetent authority or contrary to prescribed procedures.
- **Change in legal status:** Revocation of the Enterprise/Investment Registration Certificate; dissolution; bankruptcy; or termination of the authorization agreement by the owner/manufacturer without transfer to a replacement entity.
- **Defective or expired products:** Imported equipment has reached the end of its circulation period as notified by the manufacturer, or develops a serious technical defect threatening users' information security that cannot be remedied.
- **Failure to conduct activities:** Although licensed, the enterprise does not conduct import/export activities throughout the 03-year license term (except where it has notified a temporary suspension of business).
- **Failure to maintain eligibility:** Failure to maintain the technical/personnel conditions during import/export operations.
- **Loss of principal license:** Revocation of the principal Business License for CCPs and civil cryptographic services.

Mandatory legal consequence: The revocation decision shall be sent directly to the Customs Authority for immediate application of measures to block customs clearance. The enterprise must recall all non-compliant products and shall not continue to circulate the relevant shipment.

5. Periodic Reporting Obligations and Inter-Agency Coordination Mechanism

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Actual import/export volume reporting: Annually, before 31 December, the enterprise must submit to the Government Cipher Committee a detailed report on business activities, actual quantities exported/imported, and customer/end-user information in accordance with Form No. 07, Appendix III.

Border-control coordination (Article 14): The Ministry of Finance, which directly directs the Customs Authority, shall coordinate with the Government Cipher Committee to reconcile electronic licensing data for customs clearance of goods falling within the prescribed list.

Local administrative coordination (Article 15): Ministries, ministerial-level agencies, and People's Committees of centrally affiliated provinces and cities are responsible for coordinating the inspection, detection, and handling of violations relating to the import/export and circulation of CCPs within their respective local jurisdictions.



Processing civil cryptography dossiers requires close coordination between legal grounds and specialized technical plans. **CDLAF** is ready to support IT enterprises, system integrators, and import/export businesses in optimizing licensing procedures and ensuring secure customs clearance. For legal advice and support, please contact:

- ***CDLAF Law Firm***
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