

GOVERNMENT

No.: 12/2012/ND-CP

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Hanoi, March 1, 2012

DECREE

**On the Registration and Administration of
Foreign Non-Governmental Organizations in Vietnam**

THE GOVERNMENT

Pursuant to the Law on Organization of the Government dated December 25, 2001;

Pursuant to the Law on the Promulgation of Legal Documents dated June 3, 2008;

Pursuant to the Government's Decree No.15/2008/ND-CP dated February 4, 2008 defining the functions, tasks, powers and the organizational structure of the Ministry of Foreign Affairs;

At the proposal of the Minister of Foreign Affairs,

DECREE:

Chapter I

GENERAL PROVISIONS

Article 1. Scope and subjects of application

1. This Decree regulates the registration and management of development assistance and humanitarian aid activities, for non-profit or other purposes, of

foreign non-governmental organizations in Vietnam.

2. This Decree is applicable to non-governmental organizations, non-profit organizations, social funds, private foundations, or other forms of social and non-profit organizations established under foreign laws and having development assistance, humanitarian aid activities, not for profit or other purposes, in Vietnam.

Article 2. Interpretation of terms

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

1. “Foreign non-governmental organizations” include organizations listed in Clause 2 of Article 1 of this Decree.

2. “Humanitarian, development activities” mean development assistance, humanitarian aid activities for non-profit or other purposes.

3. “Program” means a set of inter-related activities, projects and can be relevant to one or many sectors, areas, territories, entities aiming at achieving one or a number of identified objectives, implemented in a long period of time or in different phases, resources for implementation could be mobilized from different sources at different timing, with different methods.

4. “Project” is a set of inter-related activities to achieve one or a number of identified objectives, is implemented in a specific locality within a defined timeframe, based on identified resources.

5. “Non-project aid” means aid that does not belong to programs, projects, and is provided in kinds or cash or experts (including voluntary experts) for humanitarian and development purposes.

6. “Long-term commitment” means the commitment for aid or activities with the duration from 05 (five) years or longer.

7. “Vietnam counterpart organs” are Vietnamese agencies or organizations that are directly engaged in cooperation and signing cooperation agreements with non-governmental organizations or foreign individuals after being approved by the

competent authority of Vietnam.

8. “Certificate of Registration” is the document certifying that the foreign non-governmental organization has registered its activities in line with the regulations under this Decree and there are three forms of Certificate of Registration, namely: Certificate of Registration of Operation, Certificate of Registration of Project Office Establishment, and Certificate of Registration of Representative Office Establishment.

9. “Representative Office” is the official entity representing the foreign non-governmental organization in Vietnam.

10. “Project Office” is an independent office or a part of the Representative Office, located in an area in order to supervise the implementation of projects funded by a foreign non-governmental organization in that area or within the area where the Project Office no longer exists when the projects have been completed.

11. “Framework Agreement” is the agreement signed between the competent organs or organizations of Vietnam and foreign non-governmental organizations as stipulated for by the Vietnamese law, which includes rights, responsibilities, nature of humanitarian activities or development of foreign non-governmental organizations in Vietnam.

Article 3. Policy of the Vietnamese State towards foreign non-governmental organizations

1. The Vietnamese State encourages and creates favorable conditions for foreign non-governmental organizations to undertake humanitarian and development activities in Vietnam.

2. Foreign non-governmental organizations carrying out humanitarian and development activities in Vietnam have to register with the competent authorities of Vietnam as provided for in Article 25 of this Decree and are obliged to obey the Vietnamese law.

Article 4. Acts of Prohibition

Foreign non-governmental organizations are prohibited from committing the following acts:

1. Organizing, conducting political, religious and other activities that are not appropriate with the national interests, security and national defense, and the national unity of Vietnam.

2. Organizing, conducting, and participating in profit-making activities, not for the development or humanitarian purposes.

3. Organizing, conducting, and engaging in activities relating to money laundering, terrorism.

4. Organizing, conducting, engaging in activities detrimental to the social morals, national identity, traditions and customs.

5. Organizing, conducting and engaging in other activities that are contrary to regulations of the Vietnamese law.

Chapter II

REGISTRATION PROCEDURES FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

Article 5. Registration forms

Foreign non-governmental organizations can be considered for granting certificate of registration in 03 forms, namely: Certificate of Registration of Operation, Certificate of Registration of Project Office Establishment and Certificate of Registration of Representative Office Establishment.

Article 6. Procedures for issuing the Certificate of Registration of Operation

1. Foreign non-governmental organizations that are desirous of operating in Vietnam have to respond to the following requirements:

a) Having legal person status in accordance with the national law where the organizations were established.

b) Having clear statutes and rules of procedures.

c) Having plans for humanitarian and development activities in Vietnam through programs, projects or non-project aid in line with the socio-economic development policies of the Vietnamese State.

2. Foreign non-governmental organizations requesting for the Certificate of Registration of Operation can submit, directly or by post or through the Vietnamese Representative Missions abroad, to the Committee for Foreign Non-governmental Organization Affairs 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

a) 01 application signed by the authorized person of the foreign non-governmental organization to be submitted to the Committee for Foreign Non-governmental Organization Affairs with the following essential information:

- Full name and abbreviation of the organization, address of the headquarters.
- Statutes and rules of procedures.
- Brief overview of the history and development of the organization.
- Financial sources and capability.
- Programs, projects and/or operation plans in Vietnam.
- Commitments to strictly observe the Vietnamese laws and respect the customs, traditions of Vietnam.

b) 01 legalized copy of Statutes for Foreign Non-governmental Organizations, except for cases when international treaties that Vietnam is a signatory or party regulate otherwise.

c) Original or 01 copy certifying the legal entity status, issued by the competent authority where the organization was established or has its headquarters located, being legalized with consular procedures, with the exception when international treaties that Vietnam is a signatory or party regulate otherwise.

3. Within no longer than 45 (forty five) working days since the receipt of the eligible documents, the Committee for Foreign Non-governmental Organization Affairs has the responsibility to inform in writing to the relevant foreign non-governmental organizations of the results.

4. Should the Certificate of Registration of Operation be issued, the foreign non-governmental organization shall have to send the person who signed the application to personally receive the Certificate of Registration of Operation at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign non-governmental organization, upon receiving the Certificate of Registration, has to present their power of attorney and personal documents (passport, ID, etc.). The foreign non-governmental organization can also collect the Certificate of Registration by post.

5. The duration for the Certificate of Registration of Operation is for 03 (three) years since the date of issuance. In the following cases, the Certificate of Registration of Operation will be expired:

- Exceeding the duration of operation granted for the foreign non-governmental organizations in places where they were established or have their headquarters located if the national laws of the countries have regulations on the duration of operation of non-governmental organizations.

- Foreign non-governmental organizations are granted either Certificate of Registration of Project Office Establishment or Certificate of Registration of Representative Office Establishment in Vietnam.

Article 7. Procedures for renewal of the Certificate of Registration of Operation

1. At least 60 (sixty) days prior to the expiry of the Certificate of Registration of Operation, if foreign non-governmental organizations desire to renew the Certificate of Registration, they shall submit directly or by post to the Committee for Foreign Non-governmental Organization Affairs 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

- a) 01 application for renewing the Certificate of Registration of Operation.
- b) 01 original of the soon-to-expire Certificate of Registration of Operation.
- c) 01 report briefing on the activities of the foreign non-governmental organizations since the issuance of the Certificate of Registration.
- d) 01 work plan for the upcoming time after the renewal of the Certificate of Registration.

2. Within 30 (thirty) working days from the receipt of valid documents, the Committee for Foreign Non-governmental Organization Affairs shall inform in writing the foreign non-governmental organization concerned of the results.

3. Should the renewal of the Certificate of Registration of Operation be approved, the foreign non-governmental organization shall have to send the person who signed the application to personally collect the renewed Certificate of registration at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign non-governmental organization, upon receiving the Certificate of Registration, has to present the power of attorney and personal documents (passport, ID, etc.). The foreign non-governmental organization can also collect the Certificate of Registration by post.

4. The duration for renewal of the Certificate of Registration of Operation is

for 03 (three) years since the date of renewal, but not exceeding the duration of operation granted to the foreign non-governmental organizations in places where they were established or have their headquarters located if the national laws of the countries regulate the duration of operation of non-governmental organizations.

Article 8. Procedures for supplement, amendment and re-issuance of the Certificate of Registration of Operation

1. Upon request for supplementing and amending the content of the Certificate of Registration of Operation or renewing the Certificate of Registration of Operation in cases of loss or damage, the foreign non-governmental organization shall submit by post or directly to the Committee for Foreign Non-governmental Organization Affairs 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

a) 01 application requesting for supplement, amendment or renewal of the Certificate of Registration of Operation, which clearly states the content and reason for supplement, amendment or re-issuance.

b) 01 original of the Certificate of Registration of Operation in cases requesting for supplement, amendment or renewal due to damage.

c) 01 certified true copy of the Certificate of Registration of Operation in cases requesting for re-issuance due to loss of the original one.

2. Within 30 (thirty) working days from the receipt of a set of valid documents, the Committee for Foreign Non-governmental Organization Affairs shall have to inform in writing the relevant foreign non-governmental organization of the results.

3. When the request for amendment, supplement or re-issuance of the Certificate of Registration of Operation has been approved, the foreign non-governmental organization shall have to send the person who signed the application to personally receive the supplemented or amended or re-issued

Certificate of Registration at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign non-governmental organization, upon receiving the Certificate of Registration, has to present the power of attorney and personal documents (passport, ID, etc.). The foreign non-governmental organization can also receive the Certificate of Registrations by post.

Article 9. Procedures for issuance of the Certificate of Registration of Project Office Establishment

1. The foreign non-governmental organizations wishing to establish the Project Office in Vietnam have to meet the following conditions:

a) Having been granted the Certificate of Registration of Operation under Article 6 of this Decree.

b) Having programs or projects approved by the Vietnamese competent authorities, and the scale and nature of programs or projects requires the on-the-spot and permanent management and supervision.

2. The foreign non-governmental organizations requesting for the Certificate of Registration of Project Office Establishment shall have to submit application, directly or by post or through the Vietnam Representative Missions abroad, to the Committee for Foreign Non-governmental Organization Affairs, 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

a) The application for the Certificate of Registration of Project Office Establishment stating the following reasons: the necessity for the establishment of Project Office, the proposed location, and the estimated number of foreign and Vietnamese staffs required for the operation of the Project Office.

b) The original Certificate of Registration of Operation.

c) 01 copy of projects or programs in Vietnam and 01 original or certified true copy of the document approved by the Vietnamese competent authorities.

d) The original version or 01 copy of the judicial resume, legalized by consular procedure, of the intentionally designated Head of Project Office issued by the relevant authority of the country the Head of the Project Office holds citizenship. If the Head of the Project Office has resided in Vietnam for over 06 months, a judicial resume issued by the Vietnamese competent authorities shall also be required.

e) 01 biography of the designated person to be the Head of the Project Office and an introduction letter regarding the proposed Head of the Project Office in Vietnam by the head of the foreign non-governmental organization.

3. Within up to 45 (forty five) working days from the receipt of the set of complete and valid documents, the Committee for Foreign Non-governmental Organization Affairs shall have to inform in writing the relevant non-governmental organization of the results.

4. Should the request for Certificate of Registration of Project Office Establishment be approved, the foreign non-governmental organization shall have to send the person who signed the application to personally receive the Certificate of Registration of Project Office Establishment at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign non-governmental organization, upon receiving the Certificate of Registration, has to present the power of attorney and personal documents (passport, ID,...). The foreign non-governmental organization can also receive their Certificate of Registration by post.

5. The duration for the Certificate of Registration of Project Office Establishment shall be for 05 (five) years since the date of issuance, but not exceeding the duration of operation granted to the foreign non-governmental

organizations in places where they were established or have their headquarters located if the national laws of the countries regulate the duration of operation of non-governmental organizations.

Article 10. Procedures for renewal of the Certificate of Registration of Project Office Establishment

1. At least 60 (sixty) days before the expiry date of the Certificate of Registration of Project Office Establishment, the foreign non-governmental organization wishing to renew their Certificate of Registration of Project Office Establishment shall submit directly or by post to the Committee for Foreign Non-governmental Organization Affairs 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

a) 01 application for renewal of the Certificate of Registration of Project Office Establishment.

b) 01 original of the soon-to-expire Certificate of Registration of Project Office Establishment.

c) 01 report briefing on its operation since the issuance of the Certificate of Registration of Project Office Establishment.

d) 01 work plan of the organization for the upcoming time after the Certificate of Registration is renewed.

2. Within 30 (thirty) working days from the receipt date of valid documents, the Committee for Foreign Non-governmental Organization Affairs shall have to inform in writing the relevant foreign non-governmental organization of the result.

3. Should the request for renewal of the Certificate of Registration of Project Office Establishment be approved, the foreign non-governmental organization shall have to send the person who signed the application to personally receive the

renewed Certificate of Registration at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign non-governmental organization, upon receiving the Certificate of Registration, has to present the power of attorney and personal documents (passport, ID, etc.). The non-governmental organization can collect the Certificate of Registration by post.

4. The duration for the renewed Certificate of Registration of Project Office Establishment is for 05 (five) years since the date of renewal, but not exceeding the duration of operation granted to the foreign non-governmental organizations in places where they were established or have their headquarters located if the national laws of the countries regulate the duration of operation of non-governmental organizations.

Article 11. Procedures for supplement, amendment and re-issuance of the Certificate of Registration of Project Office Establishment

1. Upon request for supplementing and amending the content of the Certificate of Registration of Project Office Establishment in cases of loss or damage, the foreign non-governmental organization shall submit by post or directly to the Committee for Foreign Non-governmental Organization Affairs 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

a) 01 application requesting for supplement, amendment or renewal of the Certificate of Registration of Project Office Establishment, which clearly states the content and reason for supplement, amendment or re-issuance.

b) 01 original of the Certificate of Registration of Project Office Establishment in cases requesting for supplement, amendment or renewal due to damage (and 01 certified true copy for the other set of documents).

c) 01 certified true copy of the Certificate of Registration of Project Office

Establishment in cases requesting for re-issuance due to loss of the original one.

2. Within 30 (thirty) working days from the receipt of a set of complete and valid documents, the Committee for Foreign Non-governmental Organization Affairs shall have to inform in writing the relevant foreign non-governmental organization of the results.

3. When the request for amendment, supplement or re-issuance of the Certificate of Registration of Project Office Establishment has been approved, the foreign non-governmental organization shall have to send the person who signed the application to personally receive the supplemented or amended or re-issued Certificate of Registration at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign non-governmental organization, upon receiving the Certificate of Registration, has to present the power of attorney and personal documents (passport, ID, etc.). The foreign non-governmental organization can also receive the Certificate of Registrations by post.

Article 12. Procedures for issuance of the Certificate of Registration of Representative Office Establishment

1. The foreign non-governmental organizations wishing to establish the Representative Office in Vietnam have to meet the following conditions:

a) Having been granted the Certificate of Registration of Operation under Article 6 of this Decree.

b) Having had long-term commitments through programs or projects approved by the Vietnamese competent authorities.

c) Having operated effectively for at least two years in Vietnam.

d) The Representative Office is located in only one of the 3 (three) following cities of Hanoi, Da Nang and Ho Chi Minh City.

2. The foreign non-governmental organizations requesting for the Certificate of Registration of Representative Office Establishment shall have to submit application, directly or by post or through the Vietnam Representative Missions abroad, to the Committee for Foreign Non-governmental Organization Affairs, 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

a) The application for the Certificate of Registration of Representative Office Establishment stating the following reasons: the necessity for the establishment of Representative Office, the proposed location, and the estimated number of foreign and Vietnamese staffs required for the operation of the Representative Office.

b) 01 original copy of the Certificate of Registration of Operation or 01 copy of Certificate of Registration of Project Office Establishment (in case the Project Office has already been set up in Vietnam).

c) 01 copy of projects or programs in Vietnam and 01 original or certified true copy of the document approved by the Vietnamese competent authorities.

d) The original version or 01 copy of the judicial resume, legalized by consular procedure, of the intentionally designated Head of Representative Office issued by the relevant authority of the country the Head of the Representative Office holds citizenship. If the Head of the Representative Office has resided in Vietnam for over 06 months, a judicial resume issued by the Vietnamese competent authorities shall also be required.

e) 01 biography of the designated person to be the Head of the Representative Office and an introduction letter regarding the proposed Head of the Representative Office in Vietnam by the head of the foreign non-governmental organization.

f) 01 performance report of the non-organization in Vietnam in the last 02 (two) years.

3. Within up to 45 (forty five) working days from the receipt of the set of

complete and valid documents, the Committee for Foreign Non-governmental Organization Affairs shall have to inform in writing the relevant non-governmental organization of the results.

4. Should the request for Certificate of Registration of Representative Office Establishment be approved, the foreign non-governmental organization shall have to send the person who signed the application to personally receive the Certificate of Registration of Representative Office Establishment at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign non-governmental organization, upon receiving the Certificate of Registration, has to present the power of attorney and personal documents (passport, ID,...). The foreign non-governmental organization can also receive their Certificate of Registration by post.

5. The duration for the Certificate of Registration of Representative Office Establishment shall be for 05 (five) years since the date of renewal, but not exceeding the duration of operation granted to the foreign non-governmental organizations in places where they were established or have their headquarters located if the national laws of the countries regulate the duration of operation of non-governmental organizations.

Article 13. Procedures for renewal of the Certificate of Registration of Representative Office Establishment

1. At least 60 (sixty) days before the expiry date of the Certificate of Registration of Representative Office Establishment, the foreign non-governmental organization wishing to renew their Certificate of Registration of Representative Office Establishment shall submit directly or by post to the Committee for Foreign Non-governmental Organization Affairs 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

a) 01 application for renewal of the Certificate of Registration of Representative Office Establishment.

b) 01 original of the Certificate of Registration of Representative Office Establishment.

c) 01 report briefing on its operation since the issuance of the Certificate of Registration of Representative Office Establishment.

d) 01 work plan of the organization for the upcoming time after the Certificate of Registration is renewed.

2. Within 30 (thirty) working days from the receipt date of valid documents, the Committee for Foreign Non-governmental Organization Affairs shall have to inform in writing the relevant foreign non-governmental organization of the result.

3. Should the request for renewal of the Certificate of Registration of Representative Office Establishment be approved, the foreign non-governmental organization shall have to send the person who signed the application to personally receive the renewed Certificate of Registration at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign non-governmental organization, upon receiving the Certificate of Registration, has to present the power of attorney and personal documents (passport, ID, etc.). The non-governmental organization can collect the Certificate of Registration by post.

4. The duration for the renewed Certificate of Registration of Representative Office Establishment is for 05 (five) years since the date of renewal, but not exceeding the duration of operation granted to the foreign non-governmental organizations in places where they were established or have their headquarters located if the national laws of the countries regulate the duration of operation of non-governmental organizations.

Article 14. Procedures for supplement, amendment and re-issuance of the Certificate of Registration of Representative Office Establishment

1. Upon request for supplementing and amending the content of the Certificate of Registration of Representative Office Establishment in cases of loss or damage, the foreign non-governmental organization shall submit by post or directly to the Committee for Foreign Non-governmental Organization Affairs 01 set of documents (the documents in foreign languages must be accompanied with notarized Vietnamese translation), which includes:

a) 01 application requesting for supplement, amendment or renewal of the Certificate of Registration of Representative Office Establishment, which clearly states the content and reason for supplement, amendment or re-issuance.

b) 01 original of the Certificate of Registration of Representative Office Establishment in cases requesting for supplement, amendment or renewal due to damage (and 01 certified true copy for the other set of documents).

c) 01 certified true copy of the Certificate of Registration of Representative Office Establishment in cases requesting for re-issuance due to loss of the original one.

2. Within 30 (thirty) working days from the receipt of a set of complete and valid documents, the Committee for Foreign Non-governmental Organization Affairs shall have to inform in writing the relevant foreign non-governmental organization of the results.

3. When the request for amendment, supplement or re-issuance of the Certificate of Registration of Representative Office Establishment has been approved, the foreign non-governmental organization shall have to send the person who signed the application to personally receive the supplemented or amended or re-issued Certificate of Registration at the office of the Committee for Foreign Non-governmental Organization Affairs. The person mandated by the foreign

non-governmental organization, upon receiving the Certificate of Registration, has to present the power of attorney and personal documents (passport, ID, etc.). The foreign non-governmental organization can also receive the Certificate of Registrations by post.

Article 15. Suspension, termination of activities of foreign non-governmental organizations

1. The foreign non-governmental organization that has been granted the Certificate of Registration shall have its activities partially or fully suspended or terminated, and its Certificate of Registration shall be revoked by the decision of the Ministry of Foreign Affairs in the following cases:

- a) The Certificate of Registration is already expired without requesting for renewal as stipulated in this Decree.
- b) Violating the points referred to in Article 4 of this Decree.
- c) Deliberately providing false information when registering.
- d) No activities whatsoever within 12 months after the Certificate of Registration is issued.

2. Within no longer than 60 (sixty) days, starting from the date of receiving the notice on termination of activities from the Ministry of Foreign Affairs, the foreign non-governmental organization concerned shall have to settle all issues relating to office, residence, staff and facilities for working, financial obligations (if any) and other issues relating to the organizations and individuals in Vietnam.

3. In case of self-termination of activities, the foreign non-governmental organization must inform in writing the Committee for Foreign Non-Governmental Organization Affairs and the Ministry of Foreign Affairs 60 days prior to the formal termination, attached with the issued Certificate of Registration, audit report, financial and asset reports, and shall have to observe the responsibilities

referred to in Section 2 of this Article.

Chapter III
RIGHTS AND RESPONSIBILITIES OF
FOREIGN NON-GOVERNMENTAL ORGANISATIONS

Article 16. General provisions

1. The activities undertaken by foreign non-governmental organizations in Vietnam shall have to comply with the content and scope mentioned in the already issued Certificate of Registration.

2. The Head of the Representative Office, Head of the Project Office or the person mandated by the foreign non-governmental organization to be its representative in Vietnam shall take responsibility for all activities of the foreign non-governmental organization in Vietnam.

3. The rights and responsibilities of foreign non-governmental organizations with the Representative Office or Project Office are clearly stipulated in the framework agreement signed with the competent state authority (specified in Article 25 of this Decree).

Article 17. Notification of operation

Within 45 days after the Certificate of Registration is issued, renewed, amended or supplemented, foreign non-governmental organizations shall have to inform the People's Committee of provinces or municipalities of the issuance, renewal, supplement and amendment of the Certificate of Registration as well as the work plan of the foreign non-governmental organizations in areas where they plan to carry out activities.

Article 18. Responsibility for reporting

1. Biannually and annually, the Head of Representative Office, the Head of the Project Office or the person mandated by the foreign non-governmental organization as its representative in Vietnam, shall have to send written reports of the operation in Vietnam to the competent state authorities (stipulated in Article 25 of this Decree) and also to the People's Committee of provinces and municipalities within its geographical area of activities undertaken as mentioned in the Certificate of Registration.

2. The Head of Representative Office, the Head of Project Office or the person mandated by the foreign non-governmental organization as its representative in Vietnam, shall have to report, conduct audits, provide documents or clarifications about the issues relating to the activities of the organizations and individuals to the competent state authorities (stipulated in Article 25 of this Decree) upon request.

Article 19. Renting offices and employing staffs

With written agreement from the state issuing authority, foreign non-governmental organizations can rent offices and recruit foreign and Vietnamese staff members working for the offices, in line with the Certificate of Registration and regulations of the Vietnamese law.

Article 20. Work permit

After the Certificate of Registration is issued, foreign staff members working for foreign non-governmental organizations have to obtain Work Permit from the Department of Labor - Invalids and Social Affairs in localities where the non-organizations have had their offices as provided for by the existing Vietnamese law, except Heads of Office (Representative Office, Project Office or the persons mandated by foreign non-governmental organizations as their representatives in

Vietnam). The registration for work permit is free of charge.

Article 21. Seals, bank account

1. The foreign non-governmental organizations with already issued Certificate of Registration can register their seals in accordance with the provisions of the Vietnamese law.

2. The foreign non-governmental organizations with already issued Certificate of Registration can open bank accounts (in foreign currencies or Vietnamese Dong) at the banks that are established and operating in accordance with the Vietnamese law.

3. The foreign representatives and staffs of the foreign non-governmental organizations with already issued Certificate of Registration can open bank accounts in accordance with the Vietnamese law.

Article 22. Import of goods

The importation of office equipments, means of transport and spare parts, items necessary for the work and life of the Representative Offices, Project Offices and/or their foreign staff members shall conform to the Vietnamese law.

Article 23. Personal income tax for foreigners

Personal income tax for foreign representatives, staff members and experts working for foreign non-governmental organizations in Vietnam (in Representative Offices, Project Offices and at the project sites) shall be applied in accordance with the Vietnamese law on taxation.

Chapter IV

RESPONSIBILITIES OF MANAGEMENT AUTHORITIES

Article 24. Responsibilities of the Ministry of Foreign Affairs

Acting as the focal point for management of activities of foreign non-governmental organizations

1. Chairing and coordinating with the relevant authorities in formulating, promulgating legal provisions relating to activities of foreign non-governmental organizations in Vietnam.

2. Providing advice on foreign policies, guidelines relating to activities of foreign non-governmental organizations.

3. Issuing, renewing, amending, supplementing or revoking the Certificate of Registration of foreign non-governmental organizations in Vietnam.

4. Coordinating with other relevant authorities in the management of activities by foreign non-governmental organizations.

5. Performing other duties as assigned by the Prime Minister.

Article 25. Responsibilities of the Committee for Foreign Non-governmental Organization Affairs

The Committee for Foreign Non-governmental Organization Affairs established under the Decision of the Prime Minister in order to assist the Prime Minister in directing and handling affairs concerning foreign non-governmental organizations in Vietnam.

1. Coordinating with the Ministry of Foreign Affairs in developing and submitting for approval by competent authorities normative legal documents on activities of foreign non-governmental organization in Vietnam.

2. Chairing the appraisal work concerning foreign non-governmental organizations, through the participation of organs as members of the Committee, conveying the documents to the Ministry of Foreign Affairs for consideration of issuing, renewing, amending, supplementing or revoking Certificate of

Registration of foreign non-governmental organizations in Vietnam.

3. Inspecting, controlling, supervising the activities carried out by foreign non-governmental organizations in Vietnam.

4. Presiding and coordinating with relevant authorities in settling complaints, denunciations and violations relating to activities of foreign non-governmental organizations in Vietnam.

5. Compiling and submitting to the Government reports on the activities of foreign non-governmental organizations in Vietnam.

6. Regularly briefing ministries, sectors and local authorities of foreign non-governmental organizations registered for operation in the fields and locations relating to the ministries, sectors and local authorities.

7. Disseminating and providing information relating to the operation of foreign non-governmental organizations to Vietnamese counterpart agencies and foreign non-governmental organizations.

8. Performing other tasks as assigned by the Government, the Prime Minister, and as provided by the law.

Article 26. Responsibilities of organs as members in the Committee for Foreign Non-governmental Organization Affairs

1. The Government Office shall:

a) Assist the Government, the Prime Minister in directing the state management of activities of foreign non-governmental organizations in Vietnam.

b) Coordinate with relevant authorities in the state management of foreign non-governmental organizations in Vietnam

2. The Ministry of Home Affairs shall be in charge of the issues relating to the relationship between domestic non-governmental organizations and associations and foreign non-governmental organizations.

3. The Ministry of Public Security shall be in charge of the issues relating to national security and social order in connection with the activities of foreign non-governmental organizations in Vietnam.

4. The Ministry of Planning and Investment shall be in charge of the issues relating to the state management of aid items provided by foreign non-governmental organizations in Vietnam.

5. The Ministry of Finance shall be in charge of the issues relating to the state financial management of aid items provided by foreign non-governmental organizations.

6. The Government Committee of Religious Affairs shall be in charge of the religious issues in connection with the activities of foreign non-governmental organizations.

7. The Vietnam Union of Friendship Organizations shall be in charge of the issues concerning the relationship with and the mobilization of assistance from foreign non-governmental organizations; act as the Standing Office of the Committee for Foreign Non-governmental Organization Affairs.

Article 27. Responsibilities of ministries, ministerial-level departments, organs under the Government, and Central agencies

1. Guiding, controlling, supervising activities of foreign non-governmental organizations operating in the areas under the state management of ministries, ministerial-level departments, and organs under the Government.

2. Compiling reports of activities of foreign non-governmental organizations in direct cooperation with the sector, sending them to the Committee for Foreign Non-governmental Organization Affairs every 06 (six) months or upon request in order to compile comprehensive report to the Prime Minister.

3. Assigning a suitable unit to be the focal point for the relationship with and

management of activities of foreign non-governmental organizations within the scope of the state management of the ministries, ministerial-level departments, and organs under the Government.

Article 28. Responsibilities of the People’s Committee of provinces and municipalities

1. Guiding, controlling, supervising activities of foreign non-governmental organizations within geographical areas of provinces and municipalities.

2. Coordinating with the Committee for Foreign Non-governmental Organization Affairs in considering for issuing, renewing, amending, supplementing or revoking Certificate of Registration.

3. Compiling and submitting reports on activities of foreign non-governmental organizations operating in the localities to the Committee for Foreign Non-governmental Organization Affairs every 06 (six) months or upon request in order to submit comprehensive report to the Prime Minister.

4. Assigning a suitable unit to be the focal point for the relationship with and management of activities of foreign non-governmental organizations in the localities.

Article 29. Responsibilities of Vietnamese counterpart organs

1. Respecting the regulations concerning the activities of and the aid from foreign non-governmental organizations in Vietnam when engaging in the cooperation with foreign non-governmental organizations.

2. Guiding foreign non-governmental organizations in the implementation of relevant regulations.

3. Reporting to the competent authorities on the cooperation with the foreign non-governmental organization having direct relationship with their organs.

Chapter V

PROVISIONS OF IMPLEMENTATION

Article 30. Entry into force

1. This Decree shall enter into force from June 1, 2012 and shall repeal the Decision No. 340/TTg dated May 24, 1996 of the Prime Minister promulgating the regulations on activities of foreign non-governmental organizations in Vietnam.

2. Foreign non-governmental organizations with already granted Certificate of Registration of Representative Office Establishment, Certificate of Registration of Project Office Establishment, or Certificate of Registration of Operation under the regulations on activities of foreign non-governmental organizations in Vietnam as promulgated by Decision No.340/TTg dated May 24, 1996 of the Prime Minister, when they need to register their activities under the corresponding forms in this Decree (Certificate of Registration of Representative Office Establishment, Certificate of Registration of Project Office Establishment and Certificate of Registration of Operation), shall be exempted from consideration, but have to supplement, complete the documents as stipulated in this Decree within 90 (ninety) days from the effective date of this Decree.

Article 31. Reward and handling violations

1. Foreign individuals and non-governmental organizations with effective and important contributions to development and humanitarian programs in Vietnam shall be acknowledged and rewarded in line with the regulations of the Vietnamese law.

2. Foreign non-governmental organizations whose activities are not appropriate with the already granted Certificate of Registration or having violated regulations of this Decree, depending on the degree of seriousness of violation, shall be

subjected to partial suspension of their activities or to be revoked of the Certificate of Registration by the Vietnamese competent authorities. All violations of the Vietnamese law by foreign non-governmental organizations and their staff thereof shall be penalized under the Vietnamese law.

Article 32. Implementation responsibilities

1. The Ministry of Foreign Affairs shall be responsible for coordinating with the Committee for Foreign Non-governmental Organizations Affairs in guiding and inspecting the implementation of this Decree.

2. Ministers, heads of ministerial-level departments, heads of organs under the Government, Head of the Committee for Foreign Non-governmental Organization Affairs, President of the Vietnam Union of Friendship Organizations, Chairperson of People's Committees of provinces and municipalities, heads of the Central organs and of mass organizations shall be responsible for the implementation of this Decree.

FOR THE GOVERNMENT

PRIME MINISTER

NGUYEN TAN DUNG

To:

- Secretariat of the Party Central Committee;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level departments, Government agencies;
- Office of the Central Steering Committee for Anti-corruption;
- People's Committees and People's Councils of provinces and municipalities;
- Office of the Party Central Committee and Party Committees;
- Office of the President;
- Office of the National Assembly;
- Council for Ethnic Affairs and Committees of

- the National Assembly;
- Supreme People's Court;
 - Supreme People's Procuracy;
 - State Audit;
 - National Financial Monitoring Committee;
 - Bank for Social Policies;
 - Vietnam Development Bank;
 - Central Committee of the Vietnam Fatherland Front;
 - Central bodies of mass organizations;
 - Vietnam Union of Friendship Organizations;
 - Office of the Government: Minister and Deputies, Website of the Government, Departments, Administrations, dependent units, Official Gazette;
 - Archives, External Relations Department (5b)