

DECISION No.340-TTg OF MAY 24, 1996 OF THE PRIME MINISTER PROMULGATING THE REGULATION ON THE ACTIVITIES OF FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

THE PRIME MINISTER

Pursuant to the Law on Organization of the Government of September 30, 1992;

In order to strengthen the management of the foreign Non-Governmental Organizations in Vietnam and also to create favorable conditions for them;

At the proposals of the Minister-Director of the Office of the Government and the Head of the Foreign Relations Commission of the Central Committee of the Party,

DECIDES:

Article 1.- To issue together with this Decision the Regulation on the Activities of Foreign Non-Governmental Organizations in Vietnam.

Article 2.- The Minister-Director of the Office of the Government, the Ministers, the Heads of the ministerial-level agencies, the Heads of the agencies attached to the Government, the Presidents of the People's Committees of the provinces and cities directly under the Central Government, the President of the Vietnam Union of Friendship Organizations and the leaderships of the central agencies of the concerned people's organizations shall have to implement this Decision.

The Prime Minister

VO VAN KIET

REGULATION ON THE ACTIVITIES OF FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

(issued together with Decision No.340-TTg of May 24, 1996 of the Prime Minister)

Chapter I

GENERAL PROVISIONS

Article 1.- The foreign Non-Governmental Organizations, in order to conduct non-profit activities in development support and humanitarian aid in Vietnam or other purposes, must have the permission of the Vietnamese Government in these forms: Operating Permit, Permit to establish a Project Office or Permit to establish a Representative Office.

Article 2.- A Non-Governmental Organization is eligible for an Operating Permit when it gathers the following conditions:

1. It has the legal person status under the law of its country or the law of the country where it is allowed to set up its head office.
2. It has a well defined statute, guiding principle and objective.
3. It has worked out or has at least conceived a plan for the programs and projects of development and humanitarian aid in Vietnam in line with the policy of the Vietnamese State on socio-economic development; it is committed to strictly abiding by the Vietnamese law and the traditional customs and habits of Vietnam.

Article 3.- A Non-Governmental Organization is eligible for a permit to set up a Project Office when it gathers the following

conditions:

1. It meets the requirements prescribed in Point 1, Point 2 of Article 2 of this Regulation.
2. Its program or project has been ratified by a competent level of Vietnam and the scale and character of this program or project requires permanent and on-spot direction and supervision.

Article 4.- A Non-Governmental Organization is eligible for a Permit to set up a Representative Office in Hanoi if it gathers the following conditions:

1. It meets the requirements set out in Point 1 and Point 2 of Article 2 of this Regulation.
2. It has been conducting an efficient aid program or project in Vietnam for at least two years.
3. In the process of its operation in Vietnam, it has always respected Vietnam's law and traditional customs and habits.
4. It is actually conducting long-term (from 2 years upward) aid program or project in Vietnam which has been ratified by the authorized level of Vietnam.

Article 5.- The agencies which have the competence to issue, extend, modify, amend or withdraw these permits are the Committee of Work Concerning the Non-Governmental Organizations (Committee for short). The standing agency of this Committee is the Vietnam Union of Friendship Organizations (Union for short).

Chapter II

PROCEDURES FOR THE ISSUE, EXTENSION, MODIFICATION, AMENDMENT AND WITHDRAWAL OF PERMITS

Article 6.-

a/ The dossier to apply for an Operating Permit in Vietnam includes:

1. An application of the Head of the Non-Governmental Organization written in Vietnamese and English (or French) addressed to the Committee specifying the following main contents:
 - The full name of the organization and the location of its main office.
 - Guiding principle and objective of activity.
 - A summarized history of the development of the organization.
 - Financial sources and capabilities.
 - Program, project and plan of operation in Vietnam.
2. Statute of the Non-Governmental Organization.
3. Document certifying the legal person status issued by the authorized agency at the place of its establishment or the place where it has established its main office, or a notarized copy.

b/ The dossier to apply for the establishment of the Project Office, apart from the papers mentioned in Item (a) of this Article, must also specify and include:

1. The reason for establishment the Project Office, the projected location of the Project Office; the number of foreigners and Vietnamese necessary for the operation of the Office.
2. Documents about the program or project already ratified by authorized level of Vietnam.
3. A resume of the person intended as Head of the Project Office.

Article 7.- The dossier applying for the establishment of a Representative Office in Hanoi, apart from the papers set out in Item (a) of Article 6 of this Regulation, must also specify and include:

1. The reason for the establishment of the Representative Office; the projected number of foreigners and Vietnamese necessary for the work at the Representative Office.

2. A report on its activities in Vietnam at least over the previous two years.
3. The written documents about the program or project already ratified by the authorized level of Vietnam.
4. A resume of the person intended as Head of the Representative Office and a letter of recommendation of the Head of the Non-Governmental Organization appointing him/her as representative in Vietnam.

Article 8.- Within no more than 30 (thirty) days after receiving the full valid dossier applying for an Operating Permit, no more than 60 (sixty) days for a permit to set up the Project Office, and no more than 90 (ninety) days for a permit to establish the Representative Office, the Committee shall inform the concerned Non-Governmental Organization of the result.

Article 9.- Time limit for the first issue of a Permit:

- No more than six months for an Operating Permit issued to a Non-Governmental Organization which enters Vietnam to conduct survey and draw up the project or program.
- No more than one year for an Operating Permit to a Non-Governmental Organization which is conducting an aid program or project in Vietnam.
- No more than two years for a Permit to set up a Project Office.
- No more than three years for a Permit to establish a Representative Office.

If an extension is needed, the Non-Governmental Organization may send an application to the Committee at least 30 (thirty) days before the expiry of the Permit. The term for each extension shall not exceed the term of the Permit issued for the first time.

Article 10.- Within 30 (thirty) days after the issue or extension of the Permit, the Non-Governmental Organization shall have to complete the procedure for registration of its operation with the People's Committee of the concerned province or city directly under the Central Government.

Article 11.- If the need arises to modify or amend the contents of the Permit already issued, such as renaming, relocation of the Project Office or Representative Office, replacement of the Head of the Project Office or Head of the Representative Office, or addition of personnel at the Office or readjustment of the scale and contents of its operations, the Non-Governmental Organization shall have to make a written proposal to the Committee and to the People's Committee of the province or city directly under the Central Government where it is operating or where it has established its Project Office or Representative Office.

Within 30 (thirty) days after receiving the proposal, the Committee shall have to make a written reply to the concerned Non-Governmental Organization.

Article 12.- A Project Office, a Representative Office and the Nos which have been issued Operating Permits in Vietnam shall have to terminate their operations in the following cases:

1. Expiry of the Operating Permit.
2. When the Committee issues a decision to withdraw the Permit as stipulated in Item (b), Article 17 of this Regulation.

A Permit to set up a Project Office shall automatically cease to be effective when the aid program or project is terminated. A Permit to establish a Representative Office shall also automatically cease to be effective when the Non-Governmental Organization no longer conducts any activities as stated in the application for the establishment of the Representative Office.

Within no more than 30 (thirty) days after the expiry of the Permit or upon reception of the notice forcing it to terminate its operation, the Non-Governmental Organization shall have completed the settlement of all issues related to the office, the residential houses, the hired personnel, the working means, paid all the debts (if any), and settled all other issues related to the organizations and individuals in Vietnam.

Chapter III

RIGHTS AND RESPONSIBILITIES OF THE NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

Article 13.- The activities of all the Non-Governmental Organizations in Vietnam shall have to comply with the content and scope already stipulated in the issued Permit.

Article 14.- The Head of the Representative Office, the Head of the Project Office or the person delegated by the Non-Governmental Organization to carry out its operations in Vietnam (in case they have only an Operating Permit) shall take

responsibility for all activities of this Non-Governmental Organization in Vietnam.

The person delegated by the Non-Governmental Organization to act as its representative and the Head of the Project Office shall have to report in writing periodically every three months for the Head of a Project Office, and every six months for the Head of a Representative Office about the activities of their organizations in Vietnam. They also have to report and supply documents or clarifications about the issues related to the activities of their organizations to the Committee when requested.

Upon completion of the project or the fiscal year, the Non-Governmental Organization shall have to report on the balance of accounts and send the report to the Committee and the agency owner of the project (the Ministries, Commissions, branches or central offices of the people's organizations or the People's Committees of the provinces or cities directly under the Central Government).

Article 15.-

a/ After receiving the Permit to set up its Project Office or Representative Office, the Non-Governmental Organization is allowed to rent offices and residential houses, and hire Vietnamese personnel to work for the Office according to provisions of Vietnamese law.

b/ The foreign representative and foreign personnel of the Non-Governmental Organization (after having filed the aid program and project to Vietnam) shall be allowed to open their spending accounts (in foreign currencies or Vietnam Dong from foreign currency sources) at the banks set up and operating according to Vietnamese law.

c/ The importation into Vietnam of office equipment, transport means and spare parts, and personal effects necessary for the work and life of the Representative Office and foreign employees of the Office shall conform to the current regulations of Vietnam.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 16.- The Representative Offices which were set up by permission of the Vietnamese Government prior to the issue of this Regulation shall not have to go through a revision, but they must complement and perfect their dossiers within 60 (sixty) days after this Regulation takes effect and must fully observe the stipulations of this Regulation.

The Non-Governmental Organizations which had operated in Vietnam prior to the promulgation of this Regulation shall have, within 60 (sixty) days after this Regulation takes effect, fill the procedures applying for Operating Permits or shall have to terminate their operations.

The different working sections of the Non-Governmental Organization which are operating in Vietnam, which have an office and their personnel but have not received permission from the Vietnamese Government, shall have, within 60 (sixty) days after this Regulation takes effect, to fill the procedure of application for establishment of their Project Offices or Representative Offices as required by this Regulation, or shall have to terminate their operations.

Article 17.-

a/ The organizations and individuals that make active and effective contributions to the development and humanitarian programs in Vietnam shall be acclaimed and have their services recorded by the people and State of Vietnam.

b/ The Non-Governmental Organizations which undertake activities at variance with the Permits already issued or which violate the provisions of this Regulation shall, depending on the extent of their violations, have their Operating Permits partially suspended or withdrawn by the issuing agencies. All acts of violation of Vietnamese law by any Non-Governmental Organization and its personnel shall be dealt with according to Vietnamese law.

Article 18.- The Committee of Work Concerning the Non-Governmental Organizations shall have to implement and direct the concerned agencies and localities to implement this Regulation.

Article 19.- The Ministries, Commissions, branches, people's organizations and the People's Committees of the provinces and cities shall have to guide and assist and supervise the implementation of this Regulation in conformity with their responsibilities and powers. Whenever a violation is detected, they shall have to settle it in time according to their jurisdiction and report the matter to the Committee.

Article 20- This Regulation takes effect on the date of its signing. The earlier stipulations contrary to this Regulation are now annulled.

The Prime Minister

VO VAN KIET

THE PRIME MINISTER OF
GOVERNMENT

Vo Van Kiet