

of the Vietnam-Morocco Agreement on visa exemption

Under this Official Dispatch, the Vietnam-Morocco Agreement on visa exemption comes into force as from December 18, 2004, instead of November 18, 2004 as stated before (in Official Dispatch No. 08/2005/LPQT).-

OFFICIAL DISPATCH No. 556/CV/NG-LPQT of March 11, 2005 terminating the effect of the Vietnam-Lithuania Economic-Trade Cooperation Agreement

According to this Official Dispatch, the Vietnam-Lithuania Economic-Trade Cooperation Agreement ceases to be effective as from February 14, 2005.-

This Decision takes effect 15 days after its publication in the Official Gazette.-

DECISION No. 13/2005/QD-BNN of March 15, 2005 promulgating the list of major forestry-plant varieties

This Decision takes effect 15 days after its publication in the Official Gazette.-

DECISION No. 14/2005/QD-BNN of March 15, 2005 promulgating the list of forestry plant varieties permitted for production and trading

This Decision takes effect 15 days after its publication in the Official Gazette.-

DECISION No. 15/2005/QD-BNN of March 15, 2005 promulgating the list of forestry plant varieties subject to application of branch standards

This Decision takes effect 15 days after its publication in the Official Gazette.-

THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

DECISION No. 11/2005/QD-BNN of March 7, 2005 promulgating the Regulation on responsibilities of, and forms of handling violations committed by, those involved in managing investment projects on construction of works and of quality of construction works under the Agriculture and Rural Development Ministry's management

THE GOVERNMENT OFFICE

CIRCULAR No. 04/2005/TT-VPCP OF MARCH 21, 2005 GUIDING THE IMPLEMENTATION OF THE GOVERNMENT'S DECREE No. 104/2004/ND-CP OF MARCH 23, 2004 ON THE CONG

BAO OF THE SOCIALIST REPUBLIC OF VIETNAM REGARDING ACTIVITIES RELATED TO CONG BAO (THE OFFICIAL GAZETTE) OF THE CENTRAL GOVERNMENT

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

Pursuant to the Law on Promulgation of Legal Documents, which was passed on November 12, 1996 by the National Assembly of the Socialist Republic of Vietnam and the December 16, 2002 Law Amending and Supplementing a Number of Articles of the Law on Promulgation of Legal Documents;

Pursuant to the Government's Decree No. 18/2003/ND-CP of February 20, 2003 defining the functions, tasks, powers and organizational structure of the Government Office;

Pursuant to the Government's Decree No. 104/2004/ND-CP of March 23, 2004 on the Cong Bao of the Socialist Republic of Vietnam;

The Minister-Director of the Government Office hereby guides activities related to the Cong Bao of the central government as follows:

I. GENERAL PROVISIONS

1. This Circular applies to activities of publishing the Cong Bao at the central level.

2. The Cong Bao published at the central level (hereinafter referred to as the Cong Bao) is an official legal information publication of the Socialist Republic of Vietnam. The Cong Bao is printed in Vietnamese language and foreign languages in some cases defined at Point d, Clause 1, Part III of this Circular. The Cong Bao publication is of a size of 20.5 cm x 29 cm. On the front cover of the Cong Bao, the national emblem and the national symbol

of the Socialist Republic of Vietnam, and the inscription "CONG BAO" shall be printed in red color. The back cover of the Cong Bao shall be printed with the name, address and contact telephone number of the agency in charge of publishing the Cong Bao and the agency printing the Cong Bao.

3. The central-level Cong Bao agency under the Government Office (hereinafter referred to as the Cong Bao agency) is tasked to directly manage and organize the publishing and distribution of the Cong Bao at the central level; professionally guide and manage the publishing and distribution of the Cong Bao at the provincial level; manage the use of the Cong Bao publications supplied for communes, wards or district townships throughout the country.

II. DOCUMENTS TO BE PUBLISHED IN THE CONG BAO

1. Types of documents to be published in the Cong Bao

1.1. Legal documents issued by competent agencies or persons at the central level (hereinafter referred to as document-issuing agencies), including:

a/ Documents issued by the National Assembly: the Constitution, laws and resolutions.

Documents issued by the National Assembly Standing Committee: ordinances and resolutions.

b/ Documents issued by other competent State agencies at the central level:

- Orders and decisions of the State President;
- Resolutions and decrees of the Government; decisions and directives of the Prime Minister;

- Decisions, directives and circulars of ministers and heads of ministerial-level agencies;

- Resolutions of the Judges' Council of the Supreme People's Court; decisions, directives, circulars of the Chief Judge of the Supreme People's Court or the Chairman of the Supreme People's Procuracy;

- Resolutions, joint circulars of competent State agencies, or between competent State agencies and socio-political organizations according to provisions of law;

- Decisions of competent agencies or persons on the handling of unlawfully issued legal documents.

1.2. Specific documents and other documents of legal validity:

a/ Decisions of the State President or the Prime Minister on conferment of orders and State honorable titles, appointment of leading officials of State agencies, judicial agencies and armed forces, and other specific decisions.

b/ Directing or administering documents of the Government or the Prime Minister, which shall be published in the Cong Bao under the Prime Minister's decisions. Directing or administering documents of ministers or heads of ministerial-level agencies, which shall be published in the Cong Bao under decisions of the heads of the document-issuing agencies and consents of the Minister-Director of the Government Office.

c/ International agreements, which Vietnam has signed or acceded to and have come into force in the Socialist Republic of Vietnam; diplomatic documents other than international agreements which have taken effect and need to be published.

d/ Appeals, speeches and important declarations of the State President, the Prime

Minister and the National Assembly Chairman in big ceremonies or conferences.

1.3. Decisions on correction of already issued documents which contain spelling, format or legal procedure errors.

1.4. In case of necessity, the full texts of laws, ordinances and other legal documents which have taken effect may be republished in the Cong Bao together with documents amending and/or supplementing such laws, ordinances and legal documents for convenient law application.

1.5. Draft legal documents which need to be commented by agencies, organizations and individuals shall be published in the Cong Bao supplements.

2. Regarding the effect of documents published in the Cong Bao

a/ Laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee shall take effect as from the dates the State President signs orders to promulgate them, except for cases where such documents prescribe effective dates other than the dates of their publication in the Cong Bao.

b/ Legal documents of the State President shall take effect as from the dates of their publication in the Cong Bao, except for cases where such documents prescribe other effective dates.

c/ All legal documents of the Government, the Prime Minister, the ministers, the heads of the ministerial-level agencies, the Supreme People's Court, the Supreme People's Procuracy and joint legal documents must clearly state in the provision on the time such documents take effect that *"this document takes effect 15 days after its publication in the Cong Bao."*

In cases where it is necessary to prescribe that the date when a legal document takes effect is more than 15 days after its publication in the Cong Bao, such date must be at least 30 days after the date of its signing for promulgation.

For example: Circular ... of the Finance Ministry was signed for promulgation on January 1, 2005, if it is necessary to prescribe that the date this Circular takes effect is more than 15 days after its publication in the Cong Bao, such date shall not be prescribed to be before February 1, 2005.

d/ For legal documents under the promulgating competence of the Government or the Prime Minister, which prescribe implementation measures in emergency circumstances, then the dates when such documents take effect shall be prescribed right therein and do not depend on the dates of their publication in the Cong Bao.

e/ The time when international agreements come into force and when specific documents and other documents of legal validity take effect shall be prescribed right in such documents and do not depend on the dates of their publication in the Cong Bao.

f/ The republication of legal documents in the Cong Bao shall not change the effective dates of such documents.

3. Legal validity of documents published in the Cong Bao.

Documents published in the Cong Bao shall have the same validity with their originals and may be used in all official relationships and transactions.

Vietnamese translations of international agreements concluded only in foreign languages, when being published in the Cong Bao, shall be used only for reference.

Documents published in the Cong Bao

supplements and other publications shall be used only for reference.

4. Regarding the translation of the Cong Bao into foreign languages

The Cong Bao may be translated into some foreign languages such as English, Russian, French, German and Chinese. The Cong Bao published in foreign languages shall not bear the national emblem, the national symbol and the inscription "Cong Bao" on their front covers, but such a publication shall be titled "Translation of Cong Bao" into one of the said foreign languages.

All translations of the Cong Bao in foreign languages, published in the Translation of Cong Bao, shall be used only for reference.

The Government Office shall coordinate with the Vietnam News Agency and the concerned agencies in translating Cong Bao into foreign languages, printing and distributing foreign-language Cong Bao publications in strict compliance with current regulations.

III. PROCEDURES FOR SENDING, RECEIVING AND REGISTERING DOCUMENTS TO BE PUBLISHED IN THE CONG BAO

1. The procedures for sending documents to be published in the Cong Bao

a/ Within 2 (two) working days after the date of signing documents for issuance, the document-issuing agencies shall have to send the issued documents to the Cong Bao agency for their timely publication in the Cong Bao.

b/ When sending a document for publication in the Cong Bao, the document-issuing agency shall send 2 (two) originals together with an electronic

record containing accurate text of the original document to the Cong Bao agency.

c/ Legal documents issued by the central-level agencies, when being sent for publication in the Cong Bao, regarding their format, issuing competence and their effective dates, must ensure that the following elements are accurate and sufficient:

- Serial numbers, signs, day, month, year of issuance of such legal documents must be sufficiently inscribed in compliance with the provisions of Article 3 of the Government's Decree No. 101/CP of September 23, 1997 detailing the implementation of a number of articles of the Law on Promulgation of Legal Documents.

- Legal documents issued by the Government, the Prime Minister, the ministers, the heads of the ministerial-level agencies, the Supreme People's Court, the Supreme People's Procuracy and joint legal documents must comply with the provisions of Point c, Clause 2, Part II of this Circular.

d/ In cases where an international agreement is concluded only in a foreign language, when sending the duplicate of such international agreement to the Cong Bao agency for publication in the Cong Bao, the agency proposing the signing of, or accession to, such international agreement shall have to enclose with such duplicate its Vietnamese version and take responsibility therefor, and concurrently send the electronic record containing the full text of such international agreement and translation thereof.

e/ When sending to the Cong Bao agency the original of a document as an official dispatch for publication in the Cong Bao, the document-issuing agency must inscribe the phrase "Document sent for publication in the Cong Bao" at the top of the first page of the document. The electronic record thereof may be sent to the Cong Bao agency via

information-carrying media (the Government's wide-area information network, the Internet or other information-carrying media).

2. Procedures for receiving documents to be published in the Cong Bao

a/ After receiving documents for publication in the Cong Bao, the Cong Bao agency shall have to register them in "Book for registration and comparison of documents to be published in the Cong Bao," clearly stating:

- Ordinal number;
- Serial number and signs of document;
- Type and summarized content of document;
- Name of document-issuing agency;
- Day, month, year of issuance of document;
- Day, month, year of receipt of document;

For erroneous documents, pending the correction thereof by document-issuing agencies, the time limit for receipt of documents shall be counted from the date the Cong Bao agency receives the corrected documents which are eligible for publication in the Cong Bao.

b/ Documents, after being published in the Cong Bao, must be further registered in terms of:

- Ordinal number of Cong Bao issue where the document is published;
- Day, month, year of publication of the document in the Cong Bao;
- Day, month, year when the document takes effect;
- Notes.

IV. PROCESSES OF EDITING AND PUBLISHING DOCUMENTS IN THE CONG BAO

1. Process of editing the Cong Bao

a/ Documents sent by the document-issuing agencies to the Cong Bao agency for publication in the Cong Bao shall be registered into the "Book for registration and comparison of documents to be published in the Cong Bao." After registration, documents shall be transferred to the general – professional section for checking.

b/ Upon receipt of documents, the general – professional section shall have to revise documents for the last time.

In cases where it detects errors in documents, the general – professional section shall have to report such to the leaderships of the Cong Bao agency, which shall sign and send written notices thereon to the document-issuing agencies for modification and/or correction of such documents before they are published in the Cong Bao. The document-issuing agencies shall take responsibility for late publication in the Cong Bao of such erroneous documents.

In cases where it cannot reach unanimity with the document-issuing agencies, the leadership of the Cong Bao shall propose and submit handling plans to the Minister-Director of the Government Office for decision according to his/her competence.

c/ After checking, if documents are free from errors, they shall be transferred to the editing section

Upon receipt of documents, the editing section shall have to gather documents and their electronic record copies for editing, arranging contents, technically designing each Cong Bao issue, ensuring that all documents which must be published in the Cong Bao shall be published within 13 (thirteen) days after they are received.

The editing of documents to be published in the Cong Bao must ensure that the published documents are truthful to the contents and texts of original documents sent by the document-issuing agencies. In the editing course, the editing section shall be allowed to cross out the urgency classification (if any) and addressees required in the document presentation.

d/ For laws, ordinances and other legal documents to be republished in the Cong Bao as provided for at Point 1.4, Clause 1, Part II of this Circular, the Cong Bao agency shall inscribe below the titles of such documents the note "Republication of document already published in the Cong Bao issue No..., day..., month..., year...."

For example: When republishing the Law on Credit Institutions which was published in the Cong Bao issue No. 4 of February 10, 1992 together with the Law Amending and Supplementing a Number of Articles of the Law on Credit Institutions in a new issue of the Cong Bao, the Cong Bao agency shall inscribe the following note below the title of the republished document:

THE LAW ON CREDIT INSTITUTIONS

(Republication of the document already published in the Cong Bao issue No. 4 of February 10, 1992)

e/ After editing documents for publication in the Cong Bao, persons in charge of editing shall sign for approval and transfer the edited scripts together with electronic copies to the layout section.

Upon receiving test prints, persons in charge of editing shall assign editors to proofread such test prints in order to ensure that they are truthful to the contents, sentences and words of the original documents. When detecting errors in test prints, editors shall have to notify such to the layout section

for correction. Editors assigned the task of proofreading must ensure that the final test prints are error-free and the persons in charge of editing shall sign on and take responsibility for them before official printing.

2. Order for publishing documents in the Cong Bao

a/ Based on the registration ordinal number of documents in the "Book for registration and comparison of documents to be published in the Cong Bao," the arrangement of documents' contents for publishing in each Cong Bao issue shall comply with the following order: documents which come first shall be published first, those which come later shall be published later according to the order of their arrivals.

b/ Documents which fall under the issuing competence of the Government or the Prime Minister and provide for implementation measures in emergency circumstances shall be published in the Cong Bao as soon as possible after they are received by the Cong Bao agency.

c/ For special cases where legal documents of ministries or ministerial-level agencies need to be published in the Cong Bao sooner than the above-said order, the document-issuing agencies must send official dispatches to the Cong Bao agency requesting early publication of such documents. The Cong Bao agency shall consider the publication of the said documents in the Cong Bao according to its competence or propose the Minister-Director of the Government Office for decision.

d/ The republication of laws, ordinances or other legal documents as provided for at Point 1.4, Clause 1, Part II of this Circular must follow the

order that such documents are republished immediately after the laws, ordinances or legal documents amending and/or supplementing them in the same Cong Bao issue.

3. Process of editing and order of publishing draft documents in the Cong Bao supplements

The editing and publication of draft legal documents in the Cong Bao supplements shall comply with the process of editing and order of publishing documents in the Cong Bao in Clauses 1 and 2, Part IV of this Circular.

V. MANAGEMENT OF CONG BAO DISTRIBUTION ACTIVITIES

1. Cong Bao distribution activities

a/ The Cong Bao agency shall directly distribute Cong Bao copies to agencies, organizations and individuals at home and abroad or through agents and individuals satisfying all the conditions for dealing in book and newspaper distribution nationwide.

b/ The selling price of the central-level Cong Bao copies and the distribution commission shall be proposed by the Cong Bao agency on reality basis to the Minister-Director of the Government Office for decision. The Cong Bao agency shall have to promptly notify any change in the selling price or distribution commission to readers, distribution agents and individual distributors 15 (fifteen) days in advance.

c/ All transactions related to the Cong Bao distribution activities shall be conducted by the Cong Bao agency on the contractual basis. Contracts on distribution of the Cong Bao shall be

signed according to its competence or under the authorization of the Minister-Director of the Government Office.

2. Distribution of Cong Bao copies to communes and wards

All activities related to the publication and distribution of the Cong Bao to all communes and wards throughout the country under the Prime Minister's Decision No. 69/1998/QĐ-TTg of March 31, 1998 shall be managed by the Government Office and comply with current regulations.

3. Distribution of Cong Bao copies to other subjects

Basing itself on the readers' demands, the Cong Bao agency shall directly organize the publication and distribution of Cong Bao copies to other subjects on the principle of self-financing.

The Regulation on financial management over the Cong Bao-related activities shall be promulgated by the Minister-Director of the Government Office.

VI. ORGANIZATION OF IMPLEMENTATION

1. Responsibilities of document-issuing agencies

a/ To take full responsibility for the document contents and presentation, the compliance with law-prescribed issuing competence and procedures for sending documents for publication in the Cong Bao.

b/ For documents already issued and published in the Cong Bao, right after detecting errors they have made in procedures or document format, the document-issuing agencies shall have to correct them by document correction decisions which are

signed by their heads or authorized persons and sent to the Cong Bao agency for publication in the nearest Cong Bao issue.

The agencies issuing document correction decisions must inscribe on the top of such documents the following phrase: "Decision on correction of (document) No....., of day, month, year..., of (name of the document-issuing agency) already published in the Cong Bao No....., of day, month, year..."

c/ To notify the names, addresses, telephone numbers and e-mail addresses of their contact units in charge of sending documents and electronic copies to the Cong Bao agency, so as to facilitate the settlement of problems related to the process of sending and reception of documents and electronic copies thereof to/by the Cong Bao agency.

d/ On the 5th of every month, document-issuing agencies at the central level shall send to the Cong Bao agency lists of legal documents issued in the previous month so that the Cong Bao agency shall check and compare them with the number of legal documents issued in the month already published in the Cong Bao, in order to ensure that issued documents which need to be published in the Cong Bao are all published.

2. Responsibilities of the Cong Bao agency

a/ On the basis of monthly, quarterly and annual document-issuing plans of the central-level document-issuing agencies, the Cong Bao agency shall work out plans on publication and distribution of the Cong Bao in an adequate and prompt manner.

b/ In cases where documents published in the Cong Bao are not truthful to original documents

due to errors committed by the Cong Bao agency, the latter shall have to publish correction decisions in the nearest Cong Bao issue right after such errors are detected. Correction decisions must be signed by the Cong Bao agency's head or his/her authorized person.

c/ The Cong Bao agency must guarantee the full receipt and accurate publication of documents in the Cong Bao within the prescribed time limit of 13 (thirteen) days after the date such documents are received; take responsibility for non-publication, late publication, inaccurate or incomplete publication of documents they have already received from the document-issuing agencies.

d/ Monthly, the Cong Bao agency shall report to the Minister-Director of the Government Office on the reception and publication of legal documents

in the Cong Bao; propose and suggest measures to overcome difficulties and address problems (if any), in order to ensure the full, accurate and prompt publication of legal documents in the Cong Bao.

3. Implementation effect

This Circular takes effect 15 days after its publication in the Cong Bao.

Any problems arising in the course of implementation should be promptly reported by the concerned agencies and units to the Government Office for study and solution.

*Minister – Director of the
Government Office
DOAN MANH GIAO*