

**DECREE No. 14/1998/ND-CP OF MARCH
6, 1998 OF THE GOVERNMENT ON
MANAGEMENT OF STATE PROPERTY**

THE GOVERNMENT

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

*In order to ensure a uniform management and an
effective, proper and economical use of State property;*

At the proposal of the Minister of Finance;

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.-

1. State property are property formed by or derived from the State budget, property over which State ownership has been established by law, land, forests mountains, rivers, lakes, water resources, underground natural resources, sea, continental shelf and air space resources.

2. Any property which are under the entire people's ownership and the right to ownership over which have been transferred by the State to political or socio-political organizations shall become property under the ownership of such organizations.

Article 2.- The State property include:

1. Property in the administrative and non-business sector which are allocated by the State to State agencies, non-business units, armed forces units, political organizations, socio-political organizations, social organizations and socio-professional organizations for management and use, including:

- a/ Land;
- b/ Houses and other constructions associated with land;
- c/ Other property associated with land;
- d/ Communication and transport means, working equipment and facilities and other property.

2. Infrastructural property in service of public and national interests, including:

- a/ The system of communication and transport work;
- b/ The system of irrigation works;
- c/ Lighting system and system of water supply and drainage;
- d/ Cultural works;
- e/ Other infrastructure works;

3. State property at enterprises.

4. Property prescribed by law as being under State ownership, including:

- a/ Property as material evidences and means of law violation, which are confiscated and remitted to the

State budget and fines for breaches of law;

b/ Buried or sunk property which now have been found; dropped, forgotten or abandoned property or property with unidentifiable owners and other property prescribed by law;

c/ Property that are donated, contributed by domestic and foreign organizations and/or individuals and property with ownership right transferred in other forms to the State; property given as aid by foreign governments, non-governmental organizations and other international organizations.

5. State reserves property.

6. Land, forests, mountains, rivers, lakes, water resources, underground natural resources, sea, continental shelf and air space resources (hereafter collectively referred to as "other natural resources").

Article 3.-

1. Scope of the State property management under this Decree:

a/ For the State property in the administrative and non-business sector and the property prescribed by law as under State ownership, the regulations on property registration and reporting, the regulations on the competence to decide the procurement and receipts of property and the regulations on management, use and disposal of property shall apply;

b/ For State reserve property, the regulations on property reporting, and the regulations on financial management in the process of purchase and sale and the management of the State budget capital for reserves shall apply. The management of reserve property in kind must conform with current regulations of the Government;

c/ For the State property which are infrastructure in service of public and national interest, land and other natural resources, the regulations on property reporting, on financial management in the process of inspection, planning, prospection, measurements and determination of property as well as the regulations on financial management in the process of maintenance, repair, renovation, exploitation and use of property shall apply;

2. For the State property invested in enterprises, their management shall comply with the provisions of law on enterprises.

For the property in the security and national defense sector, management shall comply with separate regulations of the Government.

For the residential houses owned by the State, management shall comply with the provisions of law

on residential houses.

Article 4.- The State property shall be examined, inventoried, registered and controlled as for their kinds and value in accordance with the provisions of law.

Article 5.-

1. The ministries, the ministerial-level agencies and agencies attached to the Government (hereafter referred collectively to as ministerial-level agency), the People's Committees of the provinces and cities directly under the Central Government (hereafter referred collectively to as provincial level) shall be responsible for the management, examination and inspection of the use of State property in their respective branches and localities in accordance with this Decree and relevant legal documents.

2. Other State bodies at the central level, political, socio-political, social and socio-professional organizations at the central level (hereafter referred collectively to as organizations at the central level) shall have to manage and inspect the use of State property in their respective organizations in accordance with law.

Article 6.- Organizations and individuals assigned to directly manage and use State property shall have to:

1. Manage and use State property in accordance with the provisions of this Decree and relevant legal documents;

2. Draw up and execute plans on construction, procurement, repair, renovation, liquidation of State property assigned to them in accordance with State regulations; use State property for the right purposes and in accordance with regulations, criteria and quotas.

3. Protect and preserve State property.

Article 7.- It is strictly forbidden to use State property for wrong purposes and in contravention of the regulations, criteria and quotas stipulated by the competent State body.

Chapter II

MANAGEMENT OF STATE PROPERTY

Section I MANAGEMENT OF STATE PROPERTY IN THE ADMINISTRATIVE AND NON-BUSINESS SECTOR

Article 8.-

1. The State property in the administrative and non-

business sector must be used for the right purposes and in accordance with regulations, criteria and quotas; they must not be used for personal, business and other purposes, except otherwise provided for by law.

2. The Prime Minister shall provide for the criteria and quotas for the use of cars, working offices and other construction works in the administrative and non-business sector.

Article 9.- The agencies directly managing and using State property shall have to:

1. Register the property with the competent State financial agency(ies).

a/ Property subject to registration include: houses, land and other construction works associated to them, communication and transport means and other property of big value;

b/ To be registered shall be the names, characteristics, code of property, area (house or land), technical specifications, use purposes, and use duration;

c/ For the State property defined in Point a, Clause 1 of this Article, the organizations directly using them property shall have to complete registration procedures in accordance with regulations of the Ministry of Finance right after their procurement or after the completion of procedures to receive them by decision of the competent State body or after the project is handed over and put to use;

2. Open books for monitoring all property as to their quantity and value.

3. Submit annual and extraordinary reports on State property according to the following stipulations:

a/ Organizations directly managing and using centrally-managed State property must send reports to their immediate superior management agencies so that the ministries, the ministerial-level agencies and agencies attached to the Government, other State bodies and organizations at the central level shall make integrated reports on the State property within their respective ministries, agencies and units and send them to the Ministry of Finance;

b/ Agencies directly managing and using State property under local control must send reports to their immediate superior management agencies so that departments, sections, agencies and units attached to the provincial People's Committees and the People's Committees of districts, communes, provincial towns and cities (hereafter referred collectively to as district level) make integrated reports on State property in their respective agencies and units then submit them to the provincial/municipal Price and Finance Departments,

which shall make integrated reports on property under local management then submit them to the provincial People's Committees and at the same time to the Ministry of Finance;

c/ The Ministry of Finance shall have to examine, analyze and synthesize all reports, then report to the Prime Minister on the management and use of State property in the administrative and non-business sector throughout the country.

Article 10.- Investment in the construction of houses and/or other works and property associated with land in the administrative and non-business sector shall be effected as follows:

1. Every year, units dependent on State budget shall prepare a report to their superior management bodies on their demand for new, additional or other constructions and property associated to land so that:

a/ The ministries, agencies and organizations at the central level make integrated reports and send them to the Ministry of Finance and the Ministry of Planning and Investment;

b/ The provincial/municipal Departments or sections and the People's Committees at the district level make an integrated report and send it to the provincial/municipal Price and Finance Department and the Planning and Investment Department.

2. The State financial bodies shall coordinate with the Planning and Investment agencies, based on the actual situation of houses and other construction works of the administrative and non-business agencies, on the criteria and quotas for the use of houses and other construction works by each agency, evaluate the demand for construction investment and make decision or submit to the competent level for decision on the list of projects and investment capital for construction to be included in the annual State budgeted estimates in accordance with State Budget legislation.

3. The competence to decide the construction investment shall comply with the current State regulations on management of investment and construction.

4. After obtaining construction permit, investors shall have to organize the implementation and management thereof in accordance with the current State regulations on capital construction.

Article 11.- The procurement of transport means and working facilities for administrative and non-business agencies shall be carried out as follows:

1. Every year, the units dependent on State budget shall, based on the actual conditions of their existing

means and equipment, on the criteria and quotas for the use of cars as provided for by the Prime Minister as well as criteria and quotas for the use of each type of property as provided for by the competent State bodies, determine their demand for procurement of transport means and working equipment, then make the estimates and submit them to their immediate superior management bodies, so that:

a/ The ministries, agencies and organizations at the central level can make sum-up reports to the Ministry of Finance;

b/ Provincial/municipal Departments and sections and the local agencies and the People's Committee of district level make sum-up reports to the provincial/municipal Price and Finance Departments;

2. The competence to decide the procurement of transport means and working equipment are stipulated as follows:

a/ The Minister of Finance shall evaluate and include into the central draft budget expenditures the procurement of transport means and working equipment for administrative and non-business bodies at the central level and submit such estimates to the competent level for decision in accordance with State Budget legislation;

b/ Directors of the provincial/municipal Price and Finance Departments shall evaluate and submit to the Presidents of the provincial People's Committees for consideration and decision the inclusion of the procurement of transport means and working equipment for local administrative and non-business bodies into the local annual draft budget expenditure and submit it to the competent level for decision in accordance with provisions of State Budget legislation.

3. After the draft expenditures on the procurement of transport means and working equipment have been approved by the competent level:

a/ The State financial bodies shall allocate procurement funds to each administrative and non-business agency according to the approved budget;

b/ Administrative and non-business agencies shall have to use such funds for the right purposes and procure property in accordance with regulations of the Ministry of Finance and abide by the regulations on property registration and reporting as stipulated in Article 9 of this Decree;

c/ At the end of a budget year, the administrative and non-business agencies shall have to fully and properly settle the expenses for property procurement as stipulated by State Budget legislation.

Article 12.- Maintenance and repair of State

property in the administrative and non-business sector shall be carried out as follows:

1. All State property in the administrative and non-business sector must be maintained and repaired in accordance with the regulations on technical maintenance criteria and use of property as provided for by the competent State body and with the approved draft budget.

2. Every year, the units dependent on State budget shall base themselves on the actual status of their property and the technical criteria for the management and use of State property to estimate expenses for maintenance and repair of property and submit them to their immediate superior management agencies, so that:

a/ The ministries, agencies and organizations at the central level make a sum-up report to the Ministry of Finance for evaluation and inclusion of such estimates into the draft budget and submit them to the competent level for decision in accordance with the provisions of the State budget legislation;

b/ Provincial/municipal Departments, local agencies and the People's Committees of district level shall make integrated reports to the provincial/municipal Pricing and Finance Departments for evaluation and inclusion of such estimates in the draft budget and submit them to the competent level for decision in accordance with the provisions of the State budget legislation;

3. After the draft expenses for maintenance and repair of property have been approved, administrative and non-business agencies shall have to use such funds for the right purposes and in an effective manner. At the end of a budget year, they must fully settle the allocated funds and report on the maintenance and repair results to the State financial bodies directly allocating the funds.

Article 13.- The transfer of State property in the administrative and non-business sector shall be carried out as follows:

1. State property that are being managed and used by administrative and non-business agencies shall be transferred only to other administrative and non-business agencies by decision of the competent State bodies, except special cases where the competent State agencies issue order on the transfer of property to combat natural disasters or enemy sabotage.

2. Competence to transfer State property:

a/ The Prime Minister shall decide the transfer of State property which are land, houses and other constructions associated with land among the

ministries, agencies and organizations at the central level, between administrative and non-business agencies at the central level and other organizations at the proposals of the Minister of Finance and concerned ministers or heads of agencies;

Where necessary, the Prime Minister shall decide the transfer of property which are houses, land or other constructions associated with land and other important property between administrative and non-business agencies at the central level and administrative and non-business agencies at local level at the proposals of the Minister of Finance, concerned ministers or heads of agencies at the central level or presidents of the provincial People's Committees;

b/ The Minister of Finance shall decide the transfer of the other State property among the ministries, agencies and organizations at the central level; between centrally-run administrative and non-business agencies and other organizations at the proposals of relevant ministries and agencies;

Where necessary, the Ministry of Finance shall decide the transfer of the other State property between centrally-run administrative and non-business agencies and locally-run administrative and non-business agencies at the proposals of concerned ministries, central agencies and presidents of the provincial People's Committees;

c/ The ministers, the heads of the ministerial-level agencies and agencies attached to the Government shall decide the transfer of State property among administrative and non-business units under the direct management of their respective branches and report them to the Ministry of Finance as prescribed in this Decree;

d/ The presidents of the provincial People's Committees shall decide the transfer of property among their local administrative and non-business bodies at the proposals of the Directors of the provincial/municipal Price and Finance Departments and heads of the transferring or receiving agencies or units.

3. All State property, when transferred from one agency to another, must be inventoried and their remaining values must be determined in order to record the increase or decrease in property and their values, and re-register all the property subject to registration.

4. The Ministry of Finance shall provide for conditions, order and procedures for the transfer of State property among administrative and non-business agencies.

Article 14.- Recovery of State property in the

administrative and non-business sector:

1. State property shall be recovered in the following circumstances:

a/ When the units assigned with State property for direct use no longer have demand therefor or such demand decreases due to incorporation, merging or change of functions, duties or for any other reasons;

b/ The quantity of State property is exceeding the prescribed level.

2. Competence to recover State property:

a/ The Prime Minister shall decide the recovery of land, houses and/or other constructions associated with them; the Minister of Finance shall decide the recovery of other property under the management of the ministries, agencies or organizations at the center;

b/ The presidents of the provincial People's Committees shall decide the recovery of land, houses and other constructions associated with them as well as transport means; the Directors of the provincial/ municipal Price and Finance Departments shall decide the recovery of other property under local management.

3. Administrative and non-business agencies that directly manage and use the State property to be recovered shall have to fully transfer such State property in accordance with the recovery decision.

4. The State financial bodies shall have to receive and manage the recovered property and draw up plans for the use of such property to be submitted to the State body competent to transfer State property in accordance with Article 13 of this Decree for decision.

Article 15.- Disposal of State property which are no longer in use or unusable:

1. State property which are no longer in use or unusable in administrative and non-business agencies must be disposed of and promptly liquidated in accordance with the regulations of the Ministry of Finance.

2. All proceeds from such liquidation of State property shall be remitted into the State budget according to regulations after deduction of all expenses and costs related to the maintenance and liquidation of such property.

Article 16.- State property assigned to social and/ or socio-occupational organizations for their direct use and management shall be transferred, recovered or disposed of according to Articles 13, 14 and 15 of this Decree. Particularly for the working offices of such social and/ or socio-professional organizations, they shall be leased by the State.

Section II. MANAGEMENT OF STATE PROPERTY WHICH ARE INFRASTRUCTURE IN SERVICE OF PUBLIC AND NATIONAL INTERESTS

Article 17.-

1. Organizations assigned the task of managing, exploit and using the State property which are infrastructure shall have to register those property in service of public and national interests with the State financial bodies, to open books of supervision of the property in kind and value and report to their immediate superior management bodies in order to make integrated reports to the State financial agencies.

2. The State property registration content and procedures and reporting order shall comply with Article 9 of this Decree.

Article 18.- Investment in the construction of new State property which are infrastructure in service of public and national interests shall be carried out as follows:

1. Basing themselves on the annual and long-term orientations for the development of infrastructure in service of public and national interests of the ministries, State bodies as well as central and local organizations, the concerned ministries, agencies and provincial People's Committees shall have to work out investment projects to develop infrastructure and submit them to the competent State bodies for decision in accordance with the current State regulations on management of investment and construction.

2. When any such project is completed and put to use, the agencies directly managing and using State property shall have to open books monitoring the property in kind and value and abide by the reporting regime prescribed in Article 17 of this Decree.

Article 19.- The maintenance, repair or upgrading of infrastructural State property in service of public and national interests shall be implemented as follows:

1. Basing themselves on the regulations on the use, maintenance, repair or upgrading of property and their actual conditions, the organizations which directly manage, exploit and use the State property shall annually make a plan on expenses for maintenance, repair or upgrading of property and submit them to their managing agencies for consideration and integrated report to be sent to the State financial bodies of the same level;

2. The State financial bodies shall coordinate with related branches, on the basis of the plans for maintenance, repair or upgrading of property of units

and of the balance capability of the State budget, in evaluating such estimates and submit them to the competent level for approval and inclusion into the annual State budget estimates.

3. Basing themselves on the approved estimates, the State financial agencies shall allocate, manage, supervise and inspect the use of capital and participate in the hand-over and final settlement of projects upon their completion.

4. Agencies which directly manage and exploit State property shall have to use the funds for the right purposes and in accordance with the approved estimates.

Section III. MANAGEMENT OF CERTAIN PROPERTY PRESCRIBED BY LAW AS STATE-OWNED

Article 20.- The disposal of abandoned, buried or sunk property which have been found, or dropped or forgotten property belonging to the State as prescribed by civil law; property confiscated to the State fund shall be provided for as follows:

1. For property which are sold, with proceeds therefrom being paid to the State budget, the concerned State financial body shall complete procedures for receiving such property and organize auctions in accordance with law.

2. For vulnerable goods and objects, the agencies which issue decisions on the confiscation thereof or the judgement-executing agencies regarding the property to be confiscated by court order or agencies that directly manage such property shall have to make records thereof and immediately organize their sale in accordance with law.

3. For property to be transferred to other organizations for use and management, the State financial bodies shall, together with the agency(ies) currently managing such property, determine the value of such property to record budget credits and debits, and property increase and complete procedures for transferring the property to the receiving units for management and use.

4. For the property which are antique, historical or cultural relics, the receiving units shall have to notify the State financial body thereof so that the latter shall determine the value of the property, complete procedures for hand-over and record as property increase for the State bodies entrusted to manage and use such property.

5. For property which are immovables, the organizations or individuals that are managing them

shall complete procedures for the hand-over to the State financial bodies; the State financial bodies shall coordinate with related agencies to work out plans for the use of such property then submit them to the Prime Minister for decision if they are real estate, managed by the Central Government, and to the concerned presidents of the provincial People's Committees for decision if they are immovable property under local management, and shall organize the implementation of the plans which have been approved by the Prime Minister or the concerned presidents of the provincial People's Committees.

In cases the immovables currently managed by the State financial bodies include property recovered under Articles 14 and 34 of this Decree and still left unused due to the lack of any decision thereon from the competent State body, the State financial bodies may lease such property to increase the State budget revenue and cover maintenance costs. Whenever there is the State body's decision on the use of such immovable property, the State financial bodies shall have to recover the leased property and implement such decision.

Article 21.- All proceeds from the sale of property prescribed by law as State owned must be paid to the State budget after minussing all expenses relating to the search, verification, excavation, salvage or inspection, seizure, transport, hand-over and receipt, keeping and maintenance, reward, organization of auctions and payments to the people entitled to enjoy part of the property value in accordance with law and other expenses.

Article 22.- Organizations and/or State bodies with property donated, given, inherited, contributed or transferred by domestic or foreign organizations and individuals in other forms shall have to notify the State financial body of the same level thereof and to manage and use such property in accordance with State regulations.

The State financial body shall have to determine the value of property for purpose of recording the State budget credits and debits and at the same time the property increase for the units using such property.

Article 23.- Property which are non-refundable aid shall be managed as follows:

1. Organizations and units receiving aid property shall have to notify the State financial bodies thereof for recording the State budget credits and debits and for recording the increase of State property which are commodities or materials for such organizations and units so that such property shall be managed and used

in accordance with State regulations. Property which are aid in kind, must be evaluated in prices before recording the State budget credits and debits.

2. Property which are aid for projects or in service of the operation of the Project Management Boards shall be considered State property. Upon the completion of a project, the Project Management Board shall have to notify the concerned State financial body thereof for determining the remaining quantity and value of such property then transfer them to the using agency(ies) by decision of the competent State body. The property receiving unit shall manage and use the property in accordance with this Decree and related legal documents.

Section IV. MANAGEMENT OF THE STATE RESERVE PROPERTY

Article 24.- Organizations entrusted by the Government to manage State reserve property shall have to examine and reevaluate the existing property in terms of quality and quantity and determine the level of State reserve; submit periodical or irregular reports to the National Reserve for sum-up reports to be sent to the Prime Minister and the Ministry of Finance and the Ministry of Planning and Investment.

Article 25.- The National Reserve shall have to synthesize demands for reserve goods and supplies and consult the Ministry of Planning and Investment and the Ministry of Finance so as to draw up plans on goods and supplies reserves to be submitted to the Prime Minister for approval.

The Ministry of Finance shall evaluate the demand for capital addition to goods and supplies reserves for inclusion into the draft State budget as prescribed by the State Budget legislation.

Article 26.- The Ministry of Finance shall coordinate with the National Reserve and concerned ministries as well as branches in:

1. Inspecting reserve goods and supplies which are damaged, degraded, lost or redundant and report to the Prime Minister for consideration and decision;
2. Inspecting the final settlement of the State budget funds, including funds for the purchase of reserve goods and supplies; funds to compensate natural losses during the course of setting up reserve and funds for the preservation and maintenance of reserve goods and supplies.

Section V. MANAGEMENT OF LAND AND OTHER NATURAL RESOURCES

Article 27.- For land and other natural resources, the specialized land and natural resources management agencies shall have to send annual or extraordinary reports on the land funds, reserves of natural resources, data and information on natural resources, results of surveys, explorations and/or prospections to the competent State body and the Ministry of Finance.

Article 28.- The management of funds for surveys, planning, measurement and making cadastral maps; and for natural resource survey, exploration, and prospection (excluding oil and gas) shall be provided for as follows:

1. Basing themselves on the work load in surveys, planning, measurement and making cadastral maps, the mineral resource surveys, exploration and prospections, surveys and protection of forest resources and aquatic resources (hereafter collectively referred to as basic survey and resource protection), which have been approved by the competent State bodies, the agencies assigned the work of conducting basic surveys and preserving natural resources shall have to make expenditure estimates and submit them to their immediate superior management bodies as well as the State financial bodies and Planning and Investment agencies for inspection before including such estimates into the draft State budget as prescribed by the State budget legislation.

2. Basing themselves on the approved State budget estimates, the State financial bodies shall allocate funds and inspect the use thereof as well as the final settlement of funds according to the current regulations on financial management.

Article 29.-

1. The State financial bodies shall submit to the competent State body for decision the plans to determine revenue sources and expenditures before deciding to recover, allocate or lease the land.

2. The State financial bodies shall assume the prime responsibility and coordinate with concerned branches in determining the land prices and submit them to the competent State bodies for decision, which shall serve as basis for the payment of compensation when land is recovered and the collection of land use levies when the land subject to such levies is allocated, for the land use right auctions, the determination of the land use right value to be used as capital contribution to joint ventures, the determination of property value upon allocation of land, the determination of land rent.

3. The exploitation and use of natural resources shall be effected by bidding or exploitation contracts. The Ministry of Finance shall coordinate with the

concerned ministries and specialized management branches in determining the bidding prices, the value of exploitation contracts, stipulating form of bidding for each specific case, working out the regime of financial management in the natural resource surveys, exploration, exploitation and use.

4. Organizations and/or individuals using State data and information on the results of natural resource surveys, prospections and explorations for the purposes of mining or further exploration in order to mine shall have to pay for the use thereof according to the provisions of law.

Chapter III

DUTIES AND POWERS IN THE MANAGEMENT OF STATE PROPERTY

Article 30.- The Government shall exercise the uniform management of State property.

Article 31.- Duties and powers of the Ministry of Finance:

1. To work out plans and submit to the Government for decision the orientation for the development and use of State property in the administrative and non-business sector;

2. To assume the prime responsibility and coordinate with ministries and branches in elaborating the management regime, criteria and quotas for the use of property in the administrative and non-business sector;

3. To assume the prime responsibility and coordinate with ministries and branches in elaborating the regime, criteria and quotas for expenditures and management of expenditures in order to manage, exploit and use State property in an effective manner;

4. To organize the management and inspect the use of State property in the ministries, branches, localities and units which are assigned the task of directly managing and using State property.

Article 32.- Duties and powers of the ministries, centrally-run agencies and organizations that manage and use State property:

1. To work out plans for construction investment and procurement of State property to be managed and used by their respective agencies, units.

2. To manage and use the State property assigned to the ministries and branches for management and use in accordance with the regime, criteria and quotas prescribed by the State.

3. To inspect the management and use of State property by units under their charge.

4. To strictly comply with the regimes of accounting, registration and reporting on State property as provided for in this Decree.

Article 33.- Duties and powers of the provincial People's Committees:

1. To organize the management and the use of State property in accordance with the prescribed regime, criteria and quotas.

2. To inspect the management and use of State property by all branches and levels under their management.

3. To decide on construction investment, procurement, transfer and recovery of State property in their localities in accordance with the provisions of this Decree and other provisions of law.

4. To decide on measures to enhance the management of State property.

5. To direct branches and levels to strictly comply with the regimes of accounting, registration and reporting on State property in accordance with this Decree.

6. On the basis of the local situation, to assign responsibilities for management of State property to branches and levels under provincial management.

Chapter IV

HANDLING OF VIOLATIONS AND COMMENDATION

Article 34.- All breaches of the regulations on management and use of State property shall be dealt with in accordance with the following provisions:

1. Organizations and/or individuals that directly manage and use State property but fail to register and report on such property as stipulated by this Decree shall:

a/ Be compelled to register and report on the property at the request of the State financial bodies;

b/ Have their property withdrawn if it is discovered after inspection that such property exceed the prescribed use quota or criteria or if they are ineffectively used;

2. Organizations or individuals that use State property in contravention of the prescribed quotas or criteria, shall have the property withdrawn.

3. Upon the competent State body's decision on

withdrawal of property, if any organizations and/or individuals using State property fail to hand over the property in time:

a/ They shall be forced to hand over the property at the request of the State financial bodies;

b/ All these property shall be converted to the form of leasing and they shall have to pay for the lease of State property.

4. If any organizations and/or individuals use State property not for the right purpose:

a/ All the revenues from such wrong use of State property shall be recovered;

b/ If the property continues to be used for the wrong purpose even after the handling, the property shall be withdrawn.

5. Competence to deal with breaches of the regulations on management and use of State property as stipulated in Clauses 1, 2, 3 and 4 of this Article:

a/ The agencies competent to withdraw property or convert it to the leasing form shall be the agencies competent to withdraw property as provided for in Clause 2, Article 14 of this Decree;

b/ The recovery of revenues from wrong use of State property shall fall under the jurisdiction of State financial bodies.

Article 35.- If any organizations and/or individuals assigned the task of directly managing and using State property breach the provisions on the management and use of State property as prescribed in this Decree and relevant legal documents, they shall be subject to discipline, loss compensation or examination for penal liability in accordance with law, depending on the seriousness of their breaches.

Article 36.- If organizations and/or individuals that are dealt with for breaches of the regulations on the management and use of State property deem that the sanctions are unfair, they shall be entitled to lodge complaints to the agencies that have issued the settlement decisions. The agency(ies) which are complained against shall have to settle the matter in accordance with the Law on Citizens' Complaints and Denunciations and pay compensation for damage (if any) in accordance with law.

Article 37.- Persons who have merits in detecting acts of infringement upon or waste of State property shall be rewarded according to current State regulations.

Article 38.- This Decree takes effect 15 days after its signing. All the earlier regulations on management and use of State property which are contrary to this Decree are hereby annulled.

The Minister of Finance shall have to guide in detail and organize the implementation of this Decree.

Article 39.- 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 and the heads of concerned agencies and organizations shall have to implement this Decree.

On behalf of the Government
For the Prime minister
Deputy Prime Minister
NGUYENTAN DUNG

Chapter V

FINAL PROVISIONS