

**DECREE No. 86/2003/ND-CP OF JULY 18, 2003
DEFINING THE FUNCTIONS, TASKS, POWERS
AND ORGANIZATIONAL STRUCTURE OF THE
MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT**

THE GOVERNMENT

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

Pursuant to Resolution No. 02/2002/QH11 of August 5, 2002 of the first session of the XIth National Assembly of the Socialist Republic of Vietnam, prescribing the list of the Government's ministries and ministerial-level agencies;

Pursuant to the Government's Decree No. 86/2002/ND-CP of November 5, 2002 defining the functions, tasks, powers and organizational structures of the ministries and ministerial-level agencies;

At the proposals of the Minister of Agriculture and Rural Development and the Minister of the Interior,

DECREES:

Article 1.- Position and functions

The Ministry of Agriculture and Rural Development is a governmental agency which performs the function of State management over agriculture, forestry, salt-making, irrigation and rural development throughout the country; performs the State management over public services and acts as representative of the owner of State capital portions at the State-invested enterprises under the Ministry's management according to law provisions.

Article 2.- Tasks and powers

The Ministry of Agriculture and Rural Development shall perform the tasks and exercise the powers prescribed in the Government's Decree No. 86/2002/ND-CP of November 5, 2002 defining the functions, tasks, powers and organizational structures of the ministries and ministerial-level agencies as well as the following specific tasks and powers:

1. To submit to the Government or the Prime Minister bills, draft ordinances and draft legal documents of the Government or the Prime Minister regarding the domains within its State management scope.

2. To submit to the Government or the Prime Minister strategies, development plannings, long-term, five-year and annual plans as well as important programs and projects within the domains under its State management;

3. To promulgate decisions, directives and circulars within its State management scope.

4. To direct, guide, examine and take responsibility for the implementation of legal documents, strategies, plannings, plans, programs, projects, standards and economic-technical norms on agriculture, forestry, salt-making, irrigation and rural development, which have already been approved; provide information on propagation, dissemination and education of laws on the domains within its State management scope.

5. Regarding agriculture (cultivation, husbandry):

a/ To perform the State management over the production, harvesting and preservation of farm produce;

b/ To uniformly manage the processing of farm produce;

c/ To perform the State management over agricultural plant varieties and animal breeds;

d/ To uniformly manage agricultural supplies, fertilizers and animal feeds;

e/ To perform the State management over plant protection, veterinary, plant quarantine and animal quarantine; to organize quarantine for farmed animals, forest animals as well as import and export plants according to law provisions and international treaties which the Socialist Republic of Vietnam has signed or acceded to.

6. Regarding forestry:

a/ To perform the State management over afforestation, forest resource development, forest product exploitation and preservation;

b/ To uniformly manage the processing of forest products;

c/ To perform the State management over forest plant varieties and forestry supplies;

d/ To perform the State management over protection of forest resources.

7. Regarding salt-making:

a/ To perform the State management over production and preservation of salt and salt products;

b/ To uniformly manage the processing of salt and salt products.

8. Regarding irrigation:

a/ To uniformly manage the construction, exploitation, use and protection of irrigation works as well as rural water supply and drainage works;

b/ To uniformly manage river basins to exploit, use and develop rivers comprehensively according to the plannings and plans already approved by competent authorities;

c/ To uniformly manage the construction and protection of dykes, flood and storm prevention and combat works and the work of preventing and combating floods, storms, droughts and coastal and riverside landslides.

9. Regarding rural development:

a/ To sum up and submit to the Government or the Prime Minister for promulgation plans, programs and policies on rural development;

b/ To uniformly manage the work of redistribution of agricultural and rural population according to law provisions;

c/ To uniformly manage the construction and development of household and farm economy, cooperative economy, agricultural cooperatives as well as State-run agricultural and forestry farms;

d/ To uniformly manage the work of agricultural, forestry and salt-making promotion as well as development of rural production/business lines;

e/ To uniformly manage the exploitation and use of rural clean water.

10. To manage national reserve of supplies and equipment under the Government's assignment.

11. Regarding science and technology:

a/ To uniformly manage the elaboration of programs, plans, development research subjects and the application

of scientific and technological advances in the domains of agriculture, forestry, salt-making, irrigation and rural development according to law provisions;

b/ To perform the State management over funds of genes of animals and plants (including forest plants and wild animals), and microorganisms used in agriculture, forestry and salt-making according to law provisions;

c/ To manage the standards and quality of agricultural, forestry and salt-making supplies and products. To expertise the quality of special-use equipment and construction works under its management;

d/ To manage the work of scientific and technological information as well as specialized intellectual property in the domains under its management according to law provisions.

12. Regarding trade promotion:

a/ To coordinate with the Ministry of Trade in elaborating and submitting to the Government or the Prime Minister mechanisms and policies to develop agricultural, forestry and salt product outlets;

b/ To coordinate with the Ministry of Trade in elaborating and forecasting orientations for development of agricultural, forestry and salt product outlets;

c/ To uniformly manage the organization of fairs and exhibitions on agriculture, forestry, salt-making, irrigation and rural development according to law provisions.

13. To enter into international cooperation in the fields of agriculture, forestry, salt-making, irrigation and rural development according to law provisions.

14. To perform the specific tasks and exercise the specific powers within the rights of the representative of the owner of State capital portions at the State-invested enterprises in the domains under its management according to law provisions.

15. Regarding non-business activities and public services:

a/ To manage and direct the operation of the non-business organizations under the Ministry;

b/ To perform the State management over public-service organizations in agriculture, forestry, salt-making, irrigation and rural development according to law provisions.

16. To perform the State management over the operation of associations and non-governmental organizations in the domains under its State management according to law provisions.

17. To inspect, examine, settle complaints and denunciations, combat corruption and negative phenomena, and handle law violations in agriculture, forestry, salt-making, irrigation and rural development according to law provisions.

18. To decide on and direct the implementation of the Ministry's administrative reform program according to the objectives and contents of the State's administrative reform program already approved by the Prime Minister.

19. To act as the standing body in the work of flood and storm prevention and combat at the central level, the work of forest fire prevention and fighting, and the work of desertification; the standing body of the Office of Vietnam's Mekong River Committee, the agency competent to manage the international trading of endangered wild animal and plant species and the national food security program according to law provisions.

20. To manage its organizational apparatus and payroll; direct the implementation of wage regime as well as preferential treatment, commendation and discipline regimes and policies for State officials and public employees under its management; to train, foster and build up the contingent of State officials and public employees in agriculture, forestry, salt-making, irrigation and rural development.

21. To manage the assigned finance and assets, and organize the implementation of the allocated budget according to law provisions.

Article 3. - Organizational structure of the Ministry

a/ Organizations assisting the Minister in performing the State management function:

1. The Planning Department;
2. The Finance Department;
3. The Department for Science and Technology;
4. The Department for International Cooperation;
5. The Legal Department;
6. The Department for Organization and Personnel;
7. The Agricultural Department;
8. The Plant Protection Department;
9. The Veterinary Department;
10. The Department for Processing of Agricultural and Forestry Products and Salt-Making;
11. The Forestry Department;
12. The Hanger Department;

13. The Department of Water Resources;
14. The Department for Dyke Management as well as Flood and Storm Prevention and Combat;
15. The Department for Management of Work Construction;
16. The Department for Cooperatives and Rural Development;
17. The Inspectorate;
18. The Office.

b/ Non-business organizations under the Ministry:

1. The Informatics Center;
2. The National Center for Agricultural Promotion;
3. The Center for Rural Clean Water and Environment Sanitation;
4. Vietnam Agriculture newspaper;
5. The Agriculture and Rural Development journal.

The Minister of Agriculture and Rural Development shall assume the prime responsibility and coordinate with the Minister of the Interior in elaborating the scheme on reorganization and management mechanism of the institutes, schools and other non-business units under the Ministry and submit it to the Prime Minister for decision before June 30, 2004. Pending the Prime Minister's new decision, the existing non-business units under the Ministry shall operate under the current regulations.

Article 4.- Implementation effect

This Decree takes implementation effect 15 days after its publication in the Official Gazette. This Decree replaces the Government's Decree No. 73/CP of November 1, 1995 on the functions, tasks, powers and organizational apparatus of the Ministry of Agriculture and Rural Development. To annul Article 4 of the Government's Decree No. 13/CP of March 2, 1993 promulgating the Regulation on agricultural promotion work, Article 4 of the Government's Decree No. 39/CP of May 18, 1994 on the organizational structure as well as tasks and powers of the Ranger, the Prime Minister's Decisions No. 346/TTg, 347/TTg, 348/TTg, 349/TTg, 350/TTg, 352/TTg, 353/TTg, 354/TTg and 355/TTg of May 28, 1996 on the functions, tasks, powers and organizational apparatuses of the departments under the Ministry of Agriculture and Rural Development, and previous regulations contrary to this Decree.

Article 5.- Implementation responsibilities

The Minister of Agriculture and Rural Development,

the ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

On behalf of the Government

Prime Minister

PHAN VAN KHAI