Part I. LEGAL DOCUMENTS

THE GOVERNMENT

Decree No. 52/2009/ND-CP of June 3, 2009, detailing and guiding a number of articles of the Law on Management and Use of State Property

THE GOVERNMENT

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

Pursuant to the June 3, 2008 Law on Management and Use of State Property;

At the proposal of the Minister of Finance,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree details and guides a number of articles of the Law on Management and Use of State Property, which was passed by the XIIth National Assembly on June 3, 2008.

2. The management and use of state property of overseas Vietnamese missions and at people's armed forces units comply with the Government's separate regulations.

Article 2. Management and use of state property at political organizations, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations

1. The management and use of state property at political organizations, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations (below collectively referred to as organizations) comply with provisions on management and use of state property at state agencies of Chapter III of the Law on Management and Use of State Property and Chapter II of this Decree. Socio-political-professional, social and socio-professional organizations shall maintain and repair their state property with their own funds.

2. State property over which ownership rights are transferred to political organizations and socio-political organizations under decisions of competent state agencies and property specified in Clause 2, Article 36 and Clause 3, Article 37 of the Law on Management and Use of State Property, come under the ownership of those organizations; the management and use of these assets comply with the civil law, relevant laws and charters of those organizations.

Chapter II

MANAGEMENT AND USE OF STATE PROPERTY AT STATE AGENCIES

Section 1. CONSTRUCTION INVESTMENT IN AND PROCUREMENT OF STATE PROPERTY

Article 3. Competence to assign management of working office construction investment

1. Based on the size and nature of investment projects and project implementation and management capacity, competent agencies shall decide on investment in building working offices by either of the two construction investment modes specified in Clause 1, Article 13 of the Law on Management and Use of State Property.

2. The Prime Minister shall decide to establish, or assign existing organizations to act as, investors of working offices of centrally managed state agencies by the investment mode specified at Point a, Clause 1, Article 13 of the Law on Management and Use of State Property; presidents of People's Committees of provinces and centrally run cities (below referred to as provincial-level People's Committees) shall decide to establish, or assign existing organizations to act as, investors of working offices of locally managed state agencies by the investment mode specified at Point a, Clause 1, Article 13 of the Law on Management and Use of State Property.

Article 4. Rights and obligations of organizations assigned to manage working office construction investment

1. To be allocated with state investment capital to build working offices for state agencies within the ambit of their assigned tasks.

2. To invest in building working offices under the laws on investment and construction.

3. To hand over working offices to state agencies assigned to manage and use these offices under regulations after construction investment is completed.

Article 5. Competence to decide on procurement of state property

The competence to decide on procurement of state property at state agencies complies with Clause 4, Article 14 of the Law on Management and Use of State Property.

Article 6. Modes of procurement of state property

1. State property shall be procured by one of the following modes:

a/ Centralized procurement;

b/ Procurement by agencies assigned to manage and use state property.

2. Centralized procurement applies to assets which are procured in large quantity with high total value and must be furnished uniformly and modernly. Ministers, heads of ministerial-level agencies and heads of other central agencies (below collectively referred to as ministers and heads of central agencies) and presidents of provincial-level People's Committees shall decide on the list of assets subject to centralized procurement under their management.

3. Units assigned to procure property by the centralization mode have the following rights and obligations:

a/ To be allocated state funds to procure property for state agencies within the ambit of their assigned tasks;

b/ To procure property under the law on bidding for procurement of state-funded property and goods;

c/ To hand over procured property to agencies assigned to manage and use them under regulations.

4. The Prime Minister shall promulgate a regulation on centralized procurement of state property.

5. For property procured by the mode specified at Point b, Clause 1 of this Article, heads of agencies assigned to manage and use property shall procure them under regulations.

Section 2. HIRE OF PROPERTY FOR OPERATION OF STATE AGENCIES

Article 7. Hire of working offices

1. State agencies may hire working offices for their operation when:

a/ They have not had working offices yet or fall short of working areas against norms and quotas, which affect their performance of assigned tasks;

b/ Their existing working offices are seriously degraded and are not safe for use;

c/ Their hire of working offices is more efficient than investment in construction and procurement;

d/ They only need to use working offices for a short time.

2. The competence to decide on hire of working offices complies with Clause 4, Article 15 of the Law on Management and Use of State Property.

3. Areas of hired working offices must not exceed the norms and quotas on use of working offices and be suitable to the state budget limit.

4. Selection of providers of working office lease services:

a/ State agencies shall publicize their needs to hire working offices;

b/ Providers of working office lease services shall be selected under the bidding law;

c/ Past the time limit for registering working office lease, if only one service provider meets the lessee's requirements, the mode of designation applies.

5. Working office rent rates shall be determined as follows:

a/ For cases of bidding or competitive offer for direct procurement: Rent rates shall be determined under the bidding law;

b/ For cases of designation: Rent rates shall be agreed by the lessee and the designated lesser; when annual rents are VND 100 million or higher, the lessee shall hire a capable valuation organization to determine rent rates as a basis for negotiation with the lesser;

c/ Office rent rates under Points a and b of this Clause must match local market rent rates.

6. Funds for hire of working offices are included in state budget estimates allocated to state agencies under the state budget law.

Article 8. Hire of property other than working offices

1. State agencies may hire property being machinery, equipment, means of transport and other property other than working offices to serve their operation when:

a/ They have not had assets yet or fall short of assets against norms and quotas, which affect their performance of assigned tasks;

b/ Existing assets are out of service or not safe for use;

c/ They only need to use assets for a short time or irregularly.

2. The competence to decide on hire of property complies with Clause 4, Article 15 of the Law on Management and Use of State Property.

3. Quantities and types of hired assets must conform with criteria, norms and regulations on management and use of those assets and be suitable to the state budget limit.

4. Selection of lessors of property other than working offices:

a/ Lessors of property other than working offices shall be selected under the bidding law;

b/ The designation mode applies when there is only property lessor meeting the lessee's requirements.

5. Rent rates of property comply with Points a and b, Clause 5, Article 7 of this Decree.

Rent rates of property being machinery, equipment, means of transport and other assets other than working offices must match local market rent rates of assets of the same type or technical specifications and origin.

6. Funds for hire of property are included in budget estimates allocated to state agencies under the state budget law.

Section 3. MAINTENANCE, REPAIR, COMPILATION AND MANAGEMENT OF DOSSIERS OF STATE PROPERTY

Article 9. Maintenance and repair of state property

1. State property shall be maintained and repaired according to regulations, standards and techno-economic norms prescribed by competent agencies specified in Clause 3 of this Article. Heads of state agencies assigned to manage and use state property shall decide on the maintenance and repair of property.

2. Funds for maintenance and repair of state property shall be estimated, disbursed and settled under the state budget law.

3. Competence to prescribe regulations, standards and techno-economic norms for maintenance and repair of state property:

a/ Line ministries shall prescribe regulations, standards and techno-economic norms for maintenance and repair of state property within their state management scope;

b/ Ministers, heads of central agencies and presidents of provincial-level People's Committees shall prescribe, or decentralize to heads of state agencies assigned to manage and use state property to prescribe regulations on maintenance and repair of property under their management for which line ministries' regulations, standards and techno-economic norms are not available.

Article 10. Compilation of state property dossiers

1. A state property dossier comprises:

a/ Documents related to the formation and developments of state property under law;

b/ Written declarations of state property under Articles 32 and 33 of this Decree;

c/ Reports on management and use of state property under Articles 32 and 34 of this Decree;

d/ Database on state property.

2. State agencies assigned to manage and use state property and concerned agencies, organizations, units and individuals shall, within the ambit of their responsibilities, compile state property dossiers under law.

Article 11. Management and filing of state property dossiers

1. State agencies assigned to manage and use state property shall manage and fully file dossiers of property under their management and use according to Clause 1, Article 10 of this Decree.

2. Managing agencies of state agencies assigned to manage and use state property shall manage and file the following state property dossiers:

a/ Written declarations of state property; reports on management and use of state property of subordinate state agencies;

b/ General reports on management and use of state property by state agencies under their management;

c/ Database on state property of state agencies under their management.

3. Ministries, ministerial-level agencies and other central agencies (below collectively referred to as ministries and central agencies) and provincial-level People's Committees shall manage and file the following state property dossiers:

a/ Written declarations of state property, reports on management and use of state property by state agencies under their management;

b/ General reports on management and use of state property by ministries, central agencies and provinces and centrally run cities;

c/ Database on state property of ministries, central agencies and provinces and centrally run cities.

4. The Ministry of Finance shall manage and file the following state property dossiers:

a/ Written declarations of state property being working offices and cars of ministries and central agencies;

b/ General reports on management and use of state property nationwide;

c/ National database on state property.

Section 4. RECOVERY OF STATE PROPERTY

Article 12. Cases of recovery of state property

1. State property being working offices and other land-attached property which are abandoned or unused for more than 12 months; and land use rights assigned for implementation of investment projects on working office construction with delayed land use progress and thereby subject to recovery under the laws on land, investment and construction.

2. State property furnished to state agencies or individuals not according to criteria and norms; state property being used for improper purposes, or in excess of prescribed norms and quotas or against regimes, or being leased or used for other business purposes.

3. State property furnished to state agencies for management and use which those agencies no longer need or for which their use needs are reduced due to organizational changes, changes

in functions and tasks or for other reasons, and these agencies do not request transfer or sale of the property.

4. State agencies assigned to manage and use state property voluntarily return property to the State.

5. Other necessary cases under decisions of competent state agencies.

Article 13. Competence to recover state property

1. The Minister of Finance shall decide to recover the following state property:

a/ Working offices and other land-attached property (including land use rights) of centrally managed state agencies;

b/ Property other than working offices and other land-attached property of centrally managed state agencies which is subject to recovery but is not recovered by ministries and central agencies;

c/ Working offices and other land-attached property (including land use rights) of locally run state agencies which are subject to recovery but are not recovered by localities.

2. Ministers and heads of central agencies shall decide to recover property other than working offices and other land-attached property of state agencies under their management.

3. Provincial-level People's Councils may decentralize the recovery of state property of locally managed state agencies.

4. Competence to recover land use rights assigned for implementation of investment projects to build working offices with delayed land use progress and thereby subject to recovery complies with the land law.

5. When detecting state property of centrally managed state agencies based in localities, which are used for improper purposes or in excess of norms, quotas or against regimes prescribed by the State, or leased or used for other business purposes, presidents of provincial-level People's Committees shall propose the Minister of Finance, ministers or heads of central agencies to recover the property according to their competence under Clauses 1 and 2 of this Article.

Article 14. Order and procedures to recover state property

1. When detecting state property falling into the cases specified in Article 12 of this Decree, finance agencies, agencies assigned to manage and use state property and agencies with inspection, examination or audit functions shall recover it according to their competence, or propose competent state agencies to recover it, the property under law.

2. Within 30 days after competent state agencies issue decisions to recover state property, agencies assigned to manage and use property subject to recovery shall fully hand over property according to those decisions.

3. Agencies responsible for recovering state property under Clause 4 of this Article shall assume the prime responsibility for, and coordinate with concerned agencies in, performing the following jobs:

a/ Recovering property according to decisions of competent state agencies;

b/ Preserving recovered state property;

c/ Elaborating schemes to dispose of (transfer or sell) recovered state property and submitting them to competent state agencies specified in Articles 16 and 19 of this Decree for decision;

d/ Implementing schemes to dispose of recovered property as decided by competent state agencies; exploiting recovered property to earn revenues for the State pending the disposal if the property can be exploited;

e/ Remitting to the state budget proceeds from the disposal and exploitation of recovered state property after deducting related expenses under the state budget law and relevant laws.

4. Responsibilities to recover state property are defined as follows:

a/ The Ministry of Finance shall recover state property under decisions of competent state agencies specified in Clause 1, Article 13 of this Decree;

b/ Ministries and central agencies shall recover state property under decisions of competent state agencies specified in Clause 2, Article 13 of this Decree;

c/ Local finance agencies shall recover state property under decisions of competent local state agencies specified in Clause 3, Article 13 of this Decree.

Section 5. TRANSFER OF STATE PROPERTY

Article 15. Cases of transfer of state property

1. Transferring state property from places in surplus to places in shortage of state property according to criteria and norms on use of state property prescribed by competent state agencies.

2. Transferring state property aims to bring about higher use efficiency.

3. State agencies assigned to manage and use state property do not need to use them regularly.

4. Recovered state property; confiscated property or property over which state ownership rights are established under decisions of competent state agencies.

5. Other special cases under law.

Article 16. Competence to transfer state property

1. The Minister of Finance may decide to transfer state property in the following cases:

a/ Between ministries and central agencies at the proposal of concerned ministers and heads of concerned central agencies;

b/ From centrally managed state agencies to locally managed agencies, organizations or units at the proposal of concerned ministers, heads of concerned central agencies or presidents of concerned provincial-level People's Committees;

c/ From locally managed state agencies to centrally managed agencies, organizations or units at the proposal of presidents of concerned provincial-level People's Committees, concerned ministers or heads of concerned central agencies;

d/ From state agencies of a locality to agencies, organizations or units of another locality at the proposal of presidents of concerned provincial-level People's Committees.

2. Ministers and heads of central agencies may decide on or decentralize the transfer of state property from state agencies to agencies and units under their management.

3. Provincial-level People's Councils may decentralize the transfer of state property from state agencies to agencies, organizations and units under their localities' management to presidents of provincial-level People's Committees, heads of provincial-level Services, Departments and branches and presidents of district-level People's Committees.

4. State property may only be transferred between state agencies, people's armed force units, public non-business units, political organizations and socio-political organizations, except special cases decided by the Prime Minister.

Article 17. Order and procedures to transfer state property

1. When having property to be transferred, state agencies which are managing and using such property or agencies specified in Clause 4, Article 14 of this Decree (below collectively referred to as agencies having state property) shall compile property transfer dossiers and submit them to competent state agencies specified in Article 16 of this Decree for consideration and decision. Such a dossier comprises:

a/ Written request for property transfer made by the agency having state property;

b/ Written request for receipt of property made by the property recipient;

c/ Written opinions of concerned agencies under Article 16 of this Decree;

d/ List of property to be transferred.

2. Within 30 days after receiving a complete and valid property transfer dossier, a competent state agency shall issue a decision to transfer state property. Such a decision has the following major contents:

a/ State agency having property to be transferred;

b/ Agency, organization or unit receiving transferred property;

c/ List of property to be transferred.

d/ Responsibilities of implementation.

3. Within 30 days after a competent state agency issues a decision to transfer property:

a/ The state agency having property to be transferred shall assume the prime responsibility for, and coordinate with the property recipient in, transferring and receiving state property; accounting property decrease or increase according to current accounting regulations; declaring changes in property under Articles 32 and 33 of this Decree;

b/ Natural resources and environment agencies shall complete land use rights dossiers for cases of transferring working offices and other land-attached property.

4. The transfer and receipt of property shall be recorded in writing. A record of transfer and receipt of property covers the following major details:

a/ Name and address of property transferor;

b/ Name and address of property transferee;

c/ List of property to be transferred;

d/ Responsibilities of property transferor and transferee;

e/ List of related dossiers and documents.

5. Reasonable expenses directly related to the transfer and receipt of property shall be covered by the property transferee under regulations.

Section 6. SALE OF STATE PROPERTY

Article 18. Cases of sale of state property

1. State agencies assigned to manage and use property no longer need or have lower needs to use property due to organizational changes or changes in functions and tasks or for other reasons and redundant property is not recovered or transferred.

2. State property is not used efficiently, including:

a/ The property use efficiency is low (except for special use property);

b/ State agencies assigned to manage and use state property do not need to use property regularly.

3. Management and use of state property is reorganized under decisions of competent state agencies.

4. Property is replaced due to requirements for technical and technological renewal under decisions of competent state agencies.

5. State property is recovered; confiscated or has state ownership rights established under decisions of competent state agencies.

Article 19. Competence to decide on sale of state property

1. The Minister of Finance shall decide to sell working offices and other land-attached property (including land use rights) of centrally managed state agencies at the proposal of ministers and heads of central agencies.

2. Ministers and heads of central agencies may decide on or decentralize the sale of property other than working offices and other land-attached property of state agencies under their management.

3. Provincial-level People's Councils may decentralize the sale of state property under their localities' management; presidents of provincial-level People's Committees are assigned to decide on the sale of working offices and other land-attached property (including land use rights).

Article 20. Mode of sale of state property

1. State property shall be sold by open auction under the law on management and use of state property; except cases of designated sale under Clause 2 of this Article.

2. Cases of designated sale of state property include:

a/ Organizations or individuals register to buy property on land or be transferred land use rights for socialization purposes in the domains of education, vocational training, health, culture, sports-physical training and environment in conformity with approved planning. When two or more organizations or individuals register to buy property on land or be transferred land use rights for socialization purposes in the above domains, auction shall be conducted;

b/ Past the time limit for registering to auction property, only one organization or individual registers to buy state property and offers prices at least equal to reserve prices;

c/ Other cases prescribed by the Government or the Prime Minister.

Article 21. Order and procedures to sell state property

1. Agencies having state property falling into the cases specified in Article 18 of this Decree shall compile dossiers of state property sale and submit them to competent state agencies specified in Article 19 of this Decree for consideration and decision. Such a dossier comprises:

a/ Written request for sale of state property, made by the agency managing and using the property;

b/ Written opinions of concerned agencies under Article 19 of this Decree;

c/ List of property to be sold.

2. Within 30 days after receiving a complete and valid dossier of state property sale, a competent state agency shall issue a decision on sale of state property. Such a decision has the following major details:

a/ State agency having property to be sold;

b/ List of property to be sold (type, quantity, status, value);

c/ Mode of sale (auction, designation);

d/ Management and use of proceeds from sale of property;

e/ Responsibilities of implementation.

3. Within 60 days, for property being working offices and other land-attached property, and 30 days, for other property, after the issuance of decisions on property sale of competent state agencies, state agencies having property on sale shall sell state property under Articles 22 and 23 of this Decree.

4. After selling property, state agencies having sold property shall account property decrease and declare changes in state property under Articles 32 and 33 of this Decree.

5. Natural resources and environment agencies shall complete dossier of land use rights under regulations for cases of sale of working offices and other land-attached property.

Article 22. Auction of state property

1. Determination of reserve prices.

a/ For working offices and other land attached property including land use rights, state agencies having property on sale shall hire capable valuation organizations to value property and submit their value to provincial-level Finance Services of localities where the property is based. Provincial-level Finance Services shall assume the prime responsibility for, and coordinate with concerned agencies in, considering and proposing presidents of provincial-level People's Committees to decide on reserve prices. When it is impossible to hire capable valuation organizations, provincial-level Finance Services shall assume the prime responsibility for, and coordinate with concerned agencies in, setting up valuation councils to determine prices and proposing presidents of provincial-level People's Committees to decide on reserve prices.

Reserve prices of property on land must match their actual residual value according to re-valuation results; reserve prices of land use rights must be close to actual market prices at the time of transfer for new land use purposes.

b/ For state property other than those specified at Point a of this Clause, heads of state agencies having property on sale shall set up a council to determine reserve prices or hire capable valuation organizations to determine their values as the basis for deciding reserve prices.

Reserve prices of property on auction must match market prices of property of the same type or technical specifications, quality and origin.

2. State agencies having property on sale shall hire non-business units or enterprises (below collectively referred to as organizations) licensed for property auction to auction property; when there are many auction organizations, bidding shall be organized; in special cases involving high value or complex property or when it is impossible to hire auction organizations, a council shall be set up to auction property.

Article 23. Designated sale of state property

1. Prices of state property on designated sale shall be determined as follows:

a/ For working offices and other land-attached property including land use rights, state agencies having property on sale shall hire capable valuation organizations to determine prices of property and submit them to provincial-level Finance Services of localities where property is based. Provincial-level Finance Services shall assume the prime responsibility for, and coordinate with concerned agencies in, considering and proposing presidents of provincial-level People's Committees to decide on sale prices. When it is impossible to hire capable valuation organizations, price appraisal councils shall determine prices which shall be proposed to presidents of provincial-level People's Committees for decision on sale prices.

The sale price of property on land must match their actual residual value according to re-valuation results; the value of land use rights shall be determined close to actual market prices at the time of transfer for new land use purposes and must not be lower than land prices set by provincial-level People's Committees.

b/ For state property other than those specified at Point a of this Clause, heads of state agencies having property on sale shall set up a council to determine prices or hire capable valuation organizations to determine their values as the basis for deciding sale prices.

Sale prices of property must match market prices of property of the same type or technical specifications, quality and origin.

2. Based on competent state agencies' decisions on sale of state property and sale prices prescribed in Clause 1 of this Article, state agencies having property on sale shall sell property to buyers under the civil law.

Article 24. Management and use of proceeds from sale of state property

1. Proceeds from sale of state property, after deducting expenses specified in Clause 2 of this Article (if any), shall be remitted into the state budget under the state budget law and relevant laws, except when state agencies are permitted to use them for investment projects approved by competent state agencies under Clause 2, Article 57 of this Decree.

2. Reasonable expenses related to the sale of state property include:

a/ Expenses for property inventory; and measuring and drawing of houses and land;

b/ Expenses for relocation;

c/ Expenses for property valuation and price evaluation;

d/ Expenses for organizing auction;

e/ Other related expenses.

Section 7. LIQUIDATION OF STATE PROPERTY

Article 25. Cases of liquidation of state property

1. Property is used beyond the property life under regulations and can no longer be used.

2. Property is out of service or repair thereof is inefficient.

3. Working offices or other land-attached property subject to destruction under competent state agencies' decisions to clear ground for investment projects and site clearance under planning and other cases prescribed by law.

Article 26. Competence to decide on liquidation of state property

1. Ministers and heads of central agencies may decide on or decentralize the liquidation of state property under their management.

2. Provincial-level People's Councils may decentralize the liquidation of state property of locally managed state agencies.

Article 27. Modes of liquidation of state property

1. State property shall be liquidated by the following modes:

a/ Sale of state property;

b/ Dismantlement, destruction of state property.

2. State property to be liquidated by sale shall be auctioned under law, except the following cases of designated sale:

a/ State property no longer has any value according to accounting books. Houses and other land-attached property, means of transport and other property with original unit prices of VND 500 (five hundred) million or higher according to accounting books are subject to re-evaluation, if the re-evaluated residual value of property is under VND 50 (fifty) million/unit, they are eligible for designated sale;

b/ Past the time limit for registering for property auction, only one organization or individual registers to buy state property and offers a price at least equal to the reserve price.

Article 28. Order and procedures to liquidate state property

1. State agencies having property falling into the cases specified in Article 25 of this Decree shall compile dossiers of state property liquidation and submit them to competent state agencies specified in Article 26 of this Decree for consideration and decision. Such a dossier comprises:

a/ Written request for liquidation of state property;

b/ List of property to be liquidated;

c/ Written opinions of professional agencies, for property subject to quality certification by professional agencies prior to liquidation under law.

2. Within 30 days after receiving a complete and valid dossier of state property liquidation, a competent state agency shall issue a decision on property liquidation. Such a decision covers the following major contents:

a/ State agency having property to be liquidated;

b/ List of property to be liquidated;

c/ Mode of liquidation;

d/ Management and use of proceeds from property liquidation;

e/ Responsibilities of implementation.

3. Within 60 days, for working offices and other land-attached property, and 30 days, for other property, after the issuance of decisions on property liquidation, state agencies having property to be liquidated shall liquidate state property under Articles 29 and 30 of this Decree.

4. After liquidating property, state agencies having liquidated property shall account property decrease under the accounting law and declare changes in property under Articles 32 and 33 of this Decree.

Article 29. Liquidation of state property by sale

1. The determination of reserve prices and auction of liquidated property comply with Article 22 of this Decree.

2. The determination of sale prices and designated sale of liquidated property comply with Article 23 of this Decree.

Article 30. Liquidation of state property by dismantlement or destruction

1. State agencies having property to be liquidated shall dismantle, destroy or hire organizations or individuals to do so under law.

2. Bidding or auction shall be organized for dismantling or destroying working offices and other land-attached property with original unit prices of VND 1 (one) billion or higher according to accounting books. The bidding or auction of liquidated property complies with law.

3. Property recovered from property dismantlement shall be sold under Articles 27 and 29 of this Decree.

Article 31. Management and use of proceeds from liquidation of state property

1. Proceeds from liquidation of state property, after deducting expenses specified in Clause 2 of this Article, shall be remitted into the state budget under the state budget law. When proceeds from property liquidation are insufficient to offset expenses, the deficit shall be covered with state budget estimates allocated to state agencies having liquidated property.

2. Reasonable expenses related to liquidation of state property include:

a/ Expenses for property inventory;

b/ Expenses for property dismantlement and destruction;

c/ Expenses for property valuation and price evaluation;

d/ Expenses for organizing auction;

e/ Other related expenses.

Section 8. REPORTING ON AND PUBLICITY, INSPECTION AND EXAMINATION OF STATE PROPERTY

Article 32. Reporting on state property

1. Agencies assigned to manage and use state property shall account and report on all state property assigned to them under the laws on accounting and statistics.

2. Agencies assigned to manage and use the following types of state property shall report thereon to their superior agencies and finance agencies for uniform and centralized management nationwide:

a/ Working offices; land use rights for working office construction;

b/ Cars of all types;

c/ Property other those specified at Points a and b of this Clause with original unit price of VND 500 (five hundred) million or higher according to accounting books.

3. Reporting on state property under Clause 2 of this Article covers:

a/ Declaration of state property;

b/ Reporting on management and use of state property.

4. When agencies assigned to manage and use property under Clause 2 of this Article fail to report or report not according to schedule, state finance agencies may request the state treasury to suspend payments related to property to be reported and not allocate funds for fixed asset procurement in the following year's budget estimates for those agencies; heads of agencies assigned to manage and use state property shall be handled under regulations.

5. The Ministry of Finance shall:

a/ Prescribe regulations on state property reporting;

b/ Develop and manage the national database on state property.

Article 33. Declaration of state property

1. Agencies assigned to manage and use property specified in Clause 2, Article 32 of this Decree shall declare state property in the following cases:

a/ State property is under their management and use when this Decree takes effect;

b/ There are changes in state property as a result of construction investment; new procurement; receipt from other units; liquidation, transfer, recovery, destruction or sale under decisions of competent state agencies; changes in property use purpose under decisions of competent state agencies;

c/ Agencies assigned to manage and use property have their names changed or are split up or merged under decisions of competent state agencies.

2. Deadlines for declaring state property:

a/ December 31, 2009, for cases specified at Point a, Clause 1 of this Article;

b/ Within 30 days from the date of change, for cases specified at Points b and c, Clause 1 of this Article. For property put into use after completion of construction investment or renovation, upgrading or overhaul, the time of change is counted from the date of signing of written records on handover and operation of property.

Article 34. Reporting on management and use of state property

1. Agencies assigned to manage and use property shall annually report on their management and use of state property of the previous year, for property specified in Clause 2, Article 32 of this Decree, and make irregular reports at the request of competent state agencies.

2. Deadlines for annual reporting on management and use of state property are prescribed as follows:

a/ Agencies assigned to manage and use property shall submit reports to their superior agencies before January 31;

b/ Superior agencies shall submit reports to ministries, central agencies and provincial-level People's Committees before February 28;

c/ Ministries, central agencies and provincial-level People's Committees shall submit reports on management and use of state property under their management to the Ministry of Finance before March 15;

d/ The Ministry of Finance shall review the management and use of state property nationwide and submit reports to the Government before March 31;

e/ The Government shall report to the National Assembly on the management and use of state property nationwide before April 30.

Article 35. Publicity of management and use of state property

1. Management and use of state property, including working offices, other land-attached property, means of transport and other fixed assets, shall be publicized.

2. Agencies assigned to manage and use state property shall publicize the procurement, construction investment and management and use of state property by the following ways:

a/ At their annual meetings;

b/ Publishing publications;

c/ Posting up at their offices;

d/ Notifying in writing to concerned agencies, organizations, units and individuals;

e/ Publicizing on websites and other mass media;

f/ Supplying information at the request of competent agencies, organizations and individuals.

3. The Prime Minister shall specify the time, contents and regulations on publicity of management and use of state property at state agencies.

Article 36. Inspection, examination and audit of the observance of regulations on management and use of state property

1. Competence to decide on inspection and examination of the observance of regulations on management and use of state property is prescribed as follows:

a/ The Minister of Finance shall decide to inspect and examine the observance of regulations on management and use of state property nationwide;

b/ Ministers, heads of central agencies, presidents of provincial-level People's Committees, heads of provincial-level Services, Departments and branches, and presidents of district-level People's Committees shall decide to inspect and examine the observance of regulations on management and use of state property at state agencies under their management.

2. The State Audit shall audit the management and use of state property under the law on state audit.

3. Inspection, examination and audit agencies may request inspected, examined or audited agencies and individuals to produce dossiers and documents related to the management and use of state property. If detecting violations, they may handle or propose competent state agencies to handle them under law.

Chapter III

MANAGEMENT AND USE OF STATE PROPERTY AT PUBLIC NON-BUSINESS UNITS

Article 37. Management and use of state property at public non-business units

1. On the basis of conditions prescribed by the Government, ministries, central agencies and provincial-level People's Committees shall identify:

a/ Public non-business units eligible for having their property valued and assigned to them for management by the State under the capital assignment mechanism (below referred to as public non-business units with financial autonomy);

b/ Public non-business units ineligible for having their property valued and assigned to them for management by the State under the capital assignment mechanism (below referred to as public non-business units without financial autonomy).

2. For public non-business units without financial autonomy, the construction investment, procurement, hire, use, repair, maintenance, transfer, recovery, liquidation, sale, destruction, inventory, accounting, reporting, publicity, inspection, examination and audit of state property comply with provisions applicable to state agencies of Chapter III of the Law on Management and Use of State Property and Chapter II of this Decree. Public non-business units without financial autonomy may add proceeds from sale of state property (other than land use rights) and property liquidation to funds for development of non-business activities.

3. For public non-business units with financial autonomy, the management and use of state property comply with Articles 28, 29, 30 and 31 of the Law on Management and Use of State Property and Articles 38 thru 51 of this Decree.

Article 38. Valuation of state property for assignment to public non-business units with financial autonomy

1. All state property currently managed and used by public non-business units with financial autonomy shall be valued for assignment to these units for management, except property specified in Clause 2 of this Article.

2. Property which is not valued for assignment to public non-business units with financial autonomy for management includes:

a/ Hired or borrowed property, property

received as capital contributions to joint ventures and cooperation and other property not owned by the units;

b/ Unused property or property in inventory pending liquidation, which shall be disposed of by units under current regulations. When the time to determine property value is due but units have not disposed of property yet, they shall continue preserving them and report thereon to competent state agencies for decision and assignment of the disposal thereof;

c/ Areas of houses and land used as housing for cadres, civil servants and public employees and eligible for transfer shall be transferred to local housing and land agencies for management under current law.

Units shall reorganize houses and land ineligible for transfer to local housing and land agencies under current regulations. After such reorganization, if units are permitted for continued use, property shall be valued for assignment to them.

3. State property shall be valued for assignment to public non-business units with financial autonomy according to the following principles:

a/ State property being land use rights, the value of land use rights shall be determined according to land prices set by provincial-level People's Committees; when land prices set by provincial-level People's Committees at the time of incorporating land prices into the value of units' property are not close to actual market prices for transfer of land use rights under normal conditions, such land prices shall be re-determined accordingly;

b/ For other state property, heads of units shall set up councils to determine the residual value of property or hire capable valuation organizations to determine prices as the basis for determining the residual value of property;

c/ For state property whose wear level has not been accounted and calculated or has been fully calculated but property can still be used, heads of units shall set up councils to determine the residual value of property.

4. Competence to decide on assignment of state property to public non-business units with financial autonomy for management:

a/ Ministers and heads of central agencies shall decide on or decentralize the assignment of state property to public non-business units with financial autonomy under their management;

b/ Presidents of provincial-level People's Committees shall decide on the assignment of state property to public non-business units with financial autonomy under their management.

5. The Ministry of Finance shall specifically guide the valuation of state property for assignment to public non-business units with financial autonomy.

Article 39. Assignment of state property to public non-business units with financial autonomy

1. Within 60 days from the date competent state agencies specified in Clause 4, Article 38 of this Decree decide to assign state property to public non-business units with financial autonomy, ministries and central agencies shall assume the prime responsibility for, and coordinate with the Ministry of Finance in,

handing over state property to centrally managed public non-business units; provincial-level People's Committees shall hand over state property to locally managed public non-business units.

2. Heads of public non-business units that are assigned property by the State shall receive property and take responsibility to the State for the preservation and development of assigned state capital and property and other obligations under law.

3. The handover and receipt of state property to/by public non-business units shall be recorded in writing. Such a record contains the following major details:

a/ Property transferor;

b/ Property recipient;

c/ List of assigned property (type, quantity, value);

d/ Responsibilities of property transferor and recipient;

e/ List of related dossiers and documents.

4. Pending the assignment of state property by competent state agencies to public non-business units with financial autonomy, these units shall continue managing and using state property under regulations applicable to public non-business units that cover all or part of regular operation expenses on their own prior to the effective date of the Law on Management and Use of State Property.

Article 40. Land management and use at public non-business units with financial autonomy

1. Public non-business units with financial autonomy which have the value of land use rights determined by the State for assignment to them for management under Point a, Clause 3, Article 38 of this Decree, may use property invested on land for production, commercial services, cooperation and lease under Articles 42, 43 and 44 of this Decree.

2. Public non-business units with financial autonomy that are assigned land for which they have paid land use levy with funds not originated from the state budget, may use property invested in attachment to such land and the land use rights value for capital contribution.

Article 41. Construction investment and property procurement of public non business units with financial autonomy

1. Investment in the construction of working offices and non-business establishments and property procurement complies with Articles 13 and 14 of the Law on Management and Use of State Property and Section 1, Chapter II of this Decree.

2. Procurement of working offices and cars with funds for development of non-business activities and loans under regulations complies with Article 14 of the Law on Management and Use of State Property and Articles 5 and 6 of this Decree. Procurement of property other than working offices and cars with funds for development of non-business activities and loans under regulations for non-business activities or production, business and services of units shall be decided by heads of those units in conformity with criteria, norms and regulations prescribed by competent state agencies.

Article 42. Management and use of state property for production and commercial services at public non-business units with financial autonomy

1. The use of state property for production and commercial services must meet the requirements specified in Article 32 of the Law on Management and Use of State Property.

2. Competence to decide on use of state property for production and commercial services is prescribed as follows:

a/ Ministers, heads of central agencies and presidents of provincial-level People's Committees may decide or decentralize the decision on working offices, non-business establishments, other land-attached property; cars; other property with original unit prices of VND 500 (five hundred) million or higher according to accounting books of public non-business units under their management;

b/ Heads of public non-business units with financial autonomy may decide on property other than those specified at Point a of this Clause.

3. The management and use of proceeds from the use of state property for production and commercial services comply with Clause 1, Article 33 of the Law on Management and Use of State Property.

Article 43. Management and use of state property for lease at public non-business units with financial autonomy

1. Public non-business units with financial autonomy may lease state property in the following cases:

a/ Property is underused;

b/ Property is invested and built for lease under approved projects.

2. Lease of property must meet the requirements specified in Article 32 of the Law on Management and Use of State Property.

3. Competence to decide on lease of state property at public non-business units with financial autonomy is prescribed as follows:

a/ Ministers, heads of central agencies and presidents of provincial-level People's Committees may decide or decentralize the decision on working offices, non-business establishments, other land-attached property; cars; other property with original unit prices of VND 500 (five hundred) million or higher according to accounting books of public non-business units under their management;

b/ Heads of units may decide on property other than those specified at Point a of this Clause.

4. Modes and rent rates of state property are prescribed as follows:

a/ Lease of working offices, non-business establishments and other land-attached property shall be auctioned; rent rates are winning bids;

b/ Property other those specified at Point a of this Clause shall be leased by agreement; rent rates shall be agreed upon by lessors and lessees according to market prices of property of the same type or technical specifications, quality and origin.

5. Collected rents of property shall be accounted separately and after deducting related

reasonable expenses, paying taxes and fulfilling other financial obligations to the State, may be added to units' funds for development of non-business activities. Units which lease property invested, built or procured with loans shall use proceeds from lease of property to pay debts before adding them to their funds for development of non-business activities.

Article 44. Management and use of state property for joint venture and cooperation at public non-business units with financial autonomy

1. Public non-business units with financial autonomy may use state property to contribute to joint ventures or cooperation with domestic and overseas organizations and individuals when:

a/ Property is underused;

b/ Property is invested and built for joint venture and cooperation under approved projects;

c/ The use of state property for joint venture and cooperation brings about higher efficiency than the provision of public services according to their assigned functions and tasks.

2. The use of state property for joint venture and cooperation must meet the requirements specified in Article 32 of the Law on Management and Use of State Property.

3. Ministers and heads of central agencies may decide on the use of state property at public non-business units with financial autonomy under their management for joint venture and cooperation after obtaining written agreement of the Ministry of Finance; presidents of provincial-level People's Committees may decide on the use of state property at public non-business units with financial autonomy under their management for joint venture and cooperation.

4. The valuation of property for joint venture and cooperation must adhere to the following principles:

a/ For land use rights, their value shall be determined close to the actual market price at the time of entering into joint ventures or cooperation and must not be lower than the price of land of the same category set by provincial-level People's Committees;

b/ Land attached property shall be valued in conformity with their actual residual value according to re-valuation results;

c/ State property other than those specified at Points a and b of this Clause shall be valued in conformity with the market price of property of the same type or with the same technical specifications, quality and origin.

5. Units shall hire capable valuation organizations to value property for joint venture or cooperation as the basis for negotiation between parties to joint ventures or cooperation undertakings.

6. State property permitted by competent state agencies for joint venture and cooperation shall be managed and used under current law.

Proceeds from activities of joint ventures and cooperation undertakings shall be accounted and managed under Clause 1, Article 33 of the Law on Management and Use of State Property.

Article 45. Depreciation of fixed assets at public non-business units with financial autonomy

1. All fixed assets at units shall be depreciated

according to the regime applicable to state enterprises.

2. Depreciation expenses of state-owned fixed assets shall be allocated to each non-business, production, commercial service and lease activity to account expenses for provision of public services, production, commercial services and lease.

Article 46. Management and use of funds from depreciation of fixed assets at public non-business units with financial autonomy

1. Funds from depreciation of fixed assets which are invested and procured with state budget funds or with funds originated from the state budget may be added to units' funds for development of non-business activities.

2. Funds from depreciation of fixed assets which are invested and procured with loans shall be used to pay such loans; any remaining amounts may be added to units' funds for development of non-business activities.

Article 47. Recovery and transfer of state property at public non-business units with financial autonomy

1. The recovery and transfer of state property at public non-business units with financial autonomy comply with Sections 4 and 5, Chapter II of this Decree.

2. Units having recovered or transferred property may record decrease in allocated state budget capital; units receiving transferred property shall record increase in allocated state budget capital.

3. The transfer of state property must not affect units' provision of public products or services.

Article 48. Sale and liquidation of state property at public non-business units with financial autonomy

1. The sale and liquidation of working offices, non-business establishments, other land-attached property; cars; other property with original unit price of VND 500 million or higher according to accounting books comply with Sections 6 and 7, Chapter II of this Decree.

2. The sale and liquidation of property other than those specified in Clause 1 of this Article shall be decided by unit heads; the mode, order, procedures and organization of sale and liquidation of property comply with Sections 6 and 7, Chapter II of this Decree.

3. Proceeds from sale, transfer or liquidation of property, after deducting related expenses, shall be managed and used as follows:

a/ Proceeds from the transfer of land use rights shall be remitted into the state budget under the state budget law and relevant laws, except cases of assigned land for which land use levies are paid with funds not originated from the state budget; units shall record decrease in allocated capital for these land use rights. When units are permitted to use proceeds from the transfer of land use rights to implement investment projects under Clause 2, Article 57 of this Decree, they shall record increase in allocated state budget capital under decisions of competent state agencies;

b/ Proceeds from the sale and liquidation of other property may be added to funds for development of non-business activities or used to pay property investment and procurement loans.

Article 49. Hire of state property of public non-business units with financial autonomy

1. The hire of state property complies with Article 15 of the Law on Management and Use of State Property and Section 2, Chapter II of this Decree.

2. Units shall ensure funds to hire state property.

Article 50. Destruction of state property at public non-business units with financial autonomy

1. The destruction of state property complies with Article 24 of the Law on Management and Use of State Prop erty.

2. Units shall ensure funds to destroy state property.

Article 51. Maintenance, repair, compilation and management of state property dossiers, reporting, publicity, inspection, examination and audit of state property at public non-business units with financial autonomy

1. Maintenance, repair, compilation and management of dossiers of state property comply with Section 3, Chapter II of this Decree.

2. Reporting, publicity, inspection, examination and audit of state property comply with Section 8, Chapter II of this Decree.

Chapter IV

REORGANIZATION AND HANDLING OF STATE PROPERTY AT AGENCIES, ORGANIZATIONS, UNITS

Section 1. REORGANIZATION AND HANDLING OF WORKING OFFICES

Article 52. Principles for reorganization and handling of working offices

1. Agencies, organizations and units shall reorganize their working offices, non-business establishments, other land-attached property, rights to use land for construction of working offices and non-business establishments (below collectively referred to as working offices) for proper purposes and in line with approved land use planning, ensuring proper, economical and effective use in conformity with criteria and norms prescribed by competent state agencies.

2. Heads of agencies, organizations and units assigned to manage and use working offices shall declare and report on state property for reorganization and handling under regulations.

3. Working offices managed and used by agencies, organizations and units shall be reorganized and handled after overall schemes to reorganize and handle them are reported, except special cases prescribed by the Prime Minister.

4. After reorganizing and handling working offices, agencies, organizations and units shall declare it under this Decree and relevant laws.

5. The reorganization and handling of working offices shall be completed before December 31, 2010.

Article 53. Formulation of and reporting on schemes to rearrange and handle working offices

1. Ministries and central agencies shall formulate schemes to rearrange and handle

working offices managed by agencies, organizations and units under their management in each province and centrally run city and submit them to the Ministry of Finance after reaching agreement with provincial-level People's Committees (of localities where working offices are based).

2. Provincial-level Services, Departments and branches and district-level People's Committees shall formulate schemes to reorganize and handle working offices managed by agencies, organizations and units under their management and submit them to provincial-level Finance Services for evaluation and report to provincial-level People's Committees.

3. Schemes to rearrange and handle working offices shall be formulated separately for agencies, organizations and units.

Article 54. Order of reorganization and handling of working offices

1. Agencies, organizations and units assigned to manage and use working offices shall:

a/ Fully and truthfully declare the use status according to prescribed forms;

b/ Propose schemes to handle each working office on the principles and by modes specified in Articles 52 and 55 of this Decree, and report to ministries and central agencies (for centrally managed agencies, organizations and units); to provincial-level services, departments and branches (for agencies, organizations and units managed by the provincial level); and to district-level People's Committees (for agencies, organizations and units managed by the district level).

2. Ministries, central agencies; provincial-level Services, Departments and branches; and district-level People's Committees shall:

a/ Review, examine, consider and elaborate schemes to reorganize and handle working offices of agencies, organizations and units under their management;

b/ Submit schemes to reorganize and handle working offices and related dossiers to provincial-level People's Committees (for centrally managed agencies, organizations and units) or provincial-level Finance Services (for locally managed agencies, organizations and units) for comment;

c/ Finalize schemes to reorganize and handle working offices on the basis of comments of agencies specified at Point b of this Clause and submit them together with related dossiers to the Ministry of Finance (or centrally managed agencies, organizations and units) or provincial-level People's Committees (for locally managed agencies, organizations and units).

3. On the basis of schemes to reorganize and handle working offices and related dossiers, the Prime Minister, the Minister of Finance, ministers, heads of central agencies and presidents of provincial-level People's Committees shall decide to handle working offices on a case-by-case basis according to their competence.

4. The Office of the Party Central Committee shall assume the prime responsibility for, and coordinate with the Ministry of Finance in, guiding and conducting the reorganization and handling of houses and land under their management under law.

Article 55. Modes to handle working offices

1. For working offices recovered for defense, security, national interests, public interests or economic development, compensation, supports and resettlement comply with the land law.

2. Working offices currently unused or lent shall be recovered.

3. For working offices currently used for production, commercial service, lease, joint venture or cooperation in contravention of regulations, agencies, organizations and units shall terminate these activities and use working offices for proper purposes. If they fail to do so, working offices shall be recovered.

Recovered working offices shall be managed under Article 14 of this Decree.

4. Areas of houses and land used as housing for cadres, civil servants and public employees eligible for transfer to local housing and land agencies for management under current law shall be transferred.

For houses and land ineligible for transfer to local housing and land agencies, agencies, organizations and units shall relocate households and individuals from these houses and land and use them for proper purposes.

5. For working offices of state property origin and property over which state ownership rights are established currently hired by agencies, organizations and units under lease contracts with local housing dealers, presidents of provincial-level People's Committees shall decide to transfer the rights to manage and use working offices to these agencies, organizations and units.

6. Working offices which are redundant or no longer used by agencies, organizations and units assigned to manage and use them shall be returned to the State or transferred or sold under this Decree.

7. Working offices which are used properly under regulations and in line with land use planning shall be further used according to planning.

Article 56. Competence and procedures to reorganize and handle working offices

The Prime Minister shall prescribe the competence and procedures to reorganize and handle working offices.

Article 57. Management and use of proceeds from reorganization and handling of working offices

1. Proceeds from the reorganization and handling of working offices, after deducting related expenses, shall be remitted into the state budget under the state budget law.

2. Agencies, organizations and units with approved investment projects to build, upgrade or renovate working offices may use proceeds specified in Clause 1 of this Article to implement those projects under law.

Section 2. REORGANIZATION AND HANDLING OF STATE PROPERTY OTHER THAN WORKING OFFICES

Article 58. Reorganization and handling of state property other than working offices

1. Heads of agencies, organizations and units assigned to manage and use state property shall:

a/ Fully and truthfully make written

declarations on current use status according to prescribed forms;

b/ Propose schemes to handle each state property and submit them to their superior agencies for sum-up and report to ministries and central agencies (for centrally managed agencies, organizations and units) or report to provincial-level People's Committees (for locally managed agencies, organizations and units).

2. Ministers, heads of central agencies and presidents of provincial-level People's Committees shall:

a/ Based on the current situation of management and use of state property of agencies, organizations and units under their management and criteria, norms and regulations on management and use of state property, transfer state property between agencies, organizations and units under their management to ensure proper, economical and effective use and management in conformity with criteria and norms on use of state property;

b/ Competent agencies shall decide to recover redundant or unused state property after they are handled under Point a of this Clause in accordance with Section 4, Chapter II of this Decree.

3. Agencies, organizations and units shall complete the reorganization and handling of state property other than working offices before December 31, 2010.

Section 3. REORGANIZATION OF GUEST HOUSES OF STATE AGENCIES, POLITICAL ORGANIZATIONS AND SOCIO-POLITICAL ORGANIZATIONS

Article 59. Organizational models of guest houses

1. After being reorganized, guest houses of state agencies, political organizations and socio-political organizations may operate after one of the following organizational models:

a/ Public non-business units with financial autonomy;

b/ Enterprise.

2. Specific organizational models after rearrangement are prescribed as follows:

a/ The Office of the Party Central Committee, the National Assembly Office, the Government Office and central agencies of socio-political organizations shall decide on organizational models of guest houses under their management according to Clause 1 of this Article;

b/ Ministries, central agencies and provincial-level People's Committees shall reorganize guest houses under their management. After such reorganization, each ministry, central agency and province or centrally run city may have no more than 1 guest house operating as a public non-business unit with financial autonomy; the remaining guest houses shall operate as enterprises.

Article 60. Transformation of organizational models of guest houses

1. Ministers, heads of central agencies, presidents of provincial-level People's Committees and agencies specified at Point a, Clause 2, Article 59 of this Decree shall reorganize guest houses under their management according to Article 59 of this Decree.

2. The transformation of organizational

models of guest houses shall be completed before December 31, 2010.

Article 61. Procedures to transform organizational models of guest houses

1. All state property assigned to guest houses subject to transformation of organizational models shall be inventoried and valued for assignment to public non-business units with financial autonomy or enterprises for management, except the following property:

a/ Property hired or borrowed by units and other property not owned by units;

b/ Units shall dispose of unused property and property in inventory pending liquidation according to current regulations. When the time for valuation is due but units have not handled property, they shall continue preserving them and report thereon to competent state agencies for decision on and assignment of their disposal;

c/ Areas of houses and land used as housing for cadres and employees eligible for transfer to local housing and land agencies shall be transferred to these agencies for management under current law.

Units shall reorganize houses and land ineligible for transfer to local housing and land agencies under current regulations. After such reorganization, if they are permitted for continued use, they shall be valued for assignment to these units.

2. The valuation of state property and competence to decide on assignment of state property to public non-business units with financial autonomy or enterprises for management comply with Chapter III of this Decree and the enterprise law.

3. Units assigned to manage guest houses shall elaborate schemes to transform organizational models of guest houses and submit them to ministers, heads of central agencies or presidents of provincial-level People's Committees for decision. Such a scheme covers the following major contents:

a/ Organizational model of the guest house after transformation;

b/ Types, quantities and value of property assigned to public non-business units with financial autonomy or enterprises for management;

c/ Debts to be collected and paid;

d/ Value of state capital at public non-business units with financial autonomy or enterprises;

e/ Arrangement of the guest house's existing employees after transformation.

4. The value of state capital at public non-business units with financial autonomy or enterprises after transformation is the total residual value of property, proceeds to be collected subtracted by payable debts, and balances of funds (if any) under law.

5. Guest houses operating as public non-business units with financial autonomy have the rights and obligations for management and use of state property assigned to them under provisions applicable to public non-business units with financial autonomy of the Law on Management and Use of State Property and Chapter III of this Decree.

Guest houses operating as enterprises have the rights and obligations for management and use of state property assigned to them under the enterprise law.

Section 4. PROVISIONS ON UNDERUSED STATE PROPERTY OF AGENCIES AND ORGANIZATIONS

Article 62. State property to be shared by other agencies, organizations and units

1. Underused state property of state agencies, political organizations and socio-political organizations which may be shared with other agencies, organizations and units include:

a/ Meeting halls, meeting rooms;

b/ Cars, ships, boats and other means of transport.

2. Heads of agencies and organizations assigned to manage and use property specified in Clause 1 of this Article shall decide on the common use of property with other agencies, organizations and units.

Article 63. Entities eligible for common use of state property

Agencies, organizations and units eligible for common use of state property specified in Article 62 of this Decree include:

1. State agencies, people's armed force units;

2. Public non-business units;

3. Political organizations, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations.

Article 64. Expenses for common use of state property

1. Agencies, organizations and units which use state property specified in Clause 1, Article 62 of this Decree of other agencies and organizations shall pay the latter a certain amount to cover expenses for electricity, water, fuels and labor and other related expenses other than depreciations of fixed assets.

2. Funds to cover expenses for electricity, water, fuels and labor and other related expenses may be taken from funds assigned by the State to agencies, organizations and units which share the use of state property with other agencies and organizations.

3. Agencies and organizations having property shall separately account incomes and expenditures related to the common use of state property under the Ministry of Finance's regulations.

Chapter V

IMPLEMENTATION PROVISIONS

Article 65. Effect

1. This Decree takes effect on July 20, 2009.

2. To annul the Prime Minister's Decision No. 202/2006/QD-TTg of August 31, 2006, promulgating the Regulation on management of state property at public non-business units.

3. To annul provisions on management and use of state property at agencies, organizations and units of the following legal documents:

a/ Provisions on management and use of state property at the administrative non-business sector of Clause 1, Article 2 and Articles 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the Government's Decree

No. 14/1998/ND-CP of March 6, 1998, on management of state property;

b/ Provisions on management and use of state property of Point c, Clause 3, Article 5, and Article 12 of the Government's Decree No. 43/2006/ND-CP of April 25, 2006, prescribing the autonomy and accountability for task performance, organizational apparatus, payroll and finance of public non-business units;

c/ Provisions on decentralization of state management of state property at state agencies and public non-business units of Clause 1, Article 3; Clauses 1 and 2, Article 4; Point b, Clause 3, Article 6; and Articles 7 thru 15 of the Government's Decree No. 137/2006/ND-CP of November 14, 2006, decentralizing the state management of state property at administrative agencies and public non-business units and property over which state ownership rights are established.

4. Ministers, heads of central agencies and provincial-level People's Councils shall promulgate regulations on decentralization of management of state property under their management according to the Law on Management and Use of State Property and this Decree, to be applied on January 1, 2010, at the latest. Pending the promulgation of these new regulations, the competence to decide on construction investment, procurement, hire, repair, maintenance, transfer, recovery, liquidation, sale, destruction, joint venture, cooperation and lease of state property comply with current regulations.

5. Ministries, central agencies and provincial-level People's Committees shall review legal documents promulgated by them which are contrary to the Law on Management and Use of State Property and this Decree for annulment or relevant amendment and supplementation.

Article 66. Implementation guidance

The Prime Minister and the Ministry of Finance shall, within the ambit of their assigned tasks and powers, detail and guide this Decree.

On behalf of the Government
Prime Minister
NGUYEN TAN DUNG