

LEGAL DOCUMENTS

THE GOVERNMENT

Decree No. 199/2013/ND-CP of November 26, 2013, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development

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

Pursuant to the Government's Decree No. 36/2012/ND-CP of April 18, 2012, defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies;

At the proposal of the Minister of Agriculture and Rural Development,

The Government promulgates the Decree defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development.

Article 1. Position and functions

The Ministry of Agriculture and Rural Development is a governmental agency performing the state management in the following sectors and fields: agriculture, forestry, salt production, fisheries, irrigation and rural development throughout the country; and the state management of public services in the sectors and fields under its management.

Article 2. Tasks and powers

The Ministry of Agriculture and Rural Development shall perform the tasks and exercise the powers defined in the Government's Decree No. 36/2012/ND-CP of April 18, 2012,

defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies, and the following specific tasks and powers:

1. To submit to the Government draft laws and resolutions of the National Assembly, draft ordinances and resolutions of the National Assembly Standing Committee, and draft decrees of the Government under the Ministry's approved annual law-making programs and plans, and resolutions, mechanisms, policies, projects, schemes and other legal documents under the Ministry's state management as assigned by the Government or the Prime Minister.

2. To submit to the Government development strategies and master plans and long-term, five-year and annual plans; and important national projects and works in the sectors and fields under its state management.

3. To submit to the Prime Minister draft decisions, directives and other documents falling within the Prime Minister's promulgating competence.

4. To approve development strategies, master plans and programs in the sectors and fields under its state management as decentralized or authorized by the Government or the Prime Minister.

5. To promulgate circulars, decisions, directives, national technical regulations, processes, rules, and econo-technical norms; to formulate national standards for the management of the sectors and fields under the Ministry's state management in accordance with law; to guide and inspect the implementation of these documents.

6. To announce, direct, guide, examine, inspect, evaluate, review, report and take

responsibility for, the implementation of mechanisms, policies, strategies, master plans and plans under its state management after they are approved; to conduct law dissemination and education in the sectors and fields under its state management

7. To examine legal documents promulgated by ministries or provincial-level People's Councils or People's Committees related to the sectors or fields under the Ministry's state management; if these legal documents are contrary to legal documents in the sectors or fields under the Ministry's state management, to handle them in accordance with the law.

8. Regarding management of investment and construction

a/ To perform the state management of investment and construction in the sectors and fields under the Ministry's state management in accordance with law; to appraise the contents of pre-feasibility study reports and feasibility study reports on programs or projects in the sectors and fields under the Ministry's state management; to approve or decide on investment in projects under the Ministry's competence in accordance with law;

b/ To guide, examine, inspect, supervise and assess investment and construction programs or projects under the Ministry's competence in accordance with law;

c/ To generally supervise and assess investment in the sectors and fields under the Ministry's state management in accordance with law.

9. Regarding agriculture (cultivation, husbandry):

a/ To direct the formulation and inspect the implementation of master plans on

development of centralized farming and husbandry areas and areas for production of safe agricultural products; plans on use, protection and improvement of agricultural soil fertility; and plans on prevention of soil erosion, desertization and landslide;

b/ To direct and guide the use of budgets for programs on preventing, controlling, and remedying consequences of, animal and plant epidemics;

c/ To direct the structure of plant varieties and animal breeds; to guide farming, husbandry, harvesting and preservation techniques, and organize the final review and evaluation of the implementation of annual cultivation and husbandry plans;

d/ To direct the state management of agricultural plant varieties, agricultural animal breeds, fertilizers and animal feed, plant protection and quarantine, and animal health in accordance with law.

10. Regarding forestry:

a/ To direct, guide and inspect the implementation of the Government's and the Prime Minister's regulations on forestry development mechanisms and policies; forest management regulations; regulations on management and protection of endangered and rare and precious forest fauna and flora species and a list of these species in accordance with law;

To assume the prime responsibility for, and coordinate with related ministries and sectors, in managing special-use forests, and protecting the forest ecosystem and forest organisms in accordance with law;

To submit to the Prime Minister for decision a master plan on the system of protection

forests and special-use forests of national or inter-provincial importance and the change of their use purposes;

b/ To direct, guide and inspect combined forestry-agricultural-fisheries production in protection forests;

c/ To direct the implementation of the policy on payment for forest environment services in accordance with law;

d/ To direct the performance of the state management of forest management, development, protection and use; exploitation and processing of forest products; and forest plant varieties in accordance with the forest protection and development law.

11. Regarding salt production:

a/ To direct, guide and inspect production and harvesting techniques and conduct the final review and evaluation of the implementation of annual production plans;

b/ To promulgate, and inspect the implementation of, national technical regulations (excluding medical salt) and processes on the production and processing of salt and salt products;

12. Regarding fisheries:

a/ To direct and guide the implementation of mechanisms and policies on fisheries development after they are decided by competent authorities;

b/ To direct, guide and inspect the implementation of regulations on management of marine conservation zones and inland water conservation zones related to fisheries resources as assigned by the Government;

c/ To guide and inspect provinces and centrally run cities in implementing master plans on exploitation, protection and development

of fisheries resources; and regulations on management, exploitation, protection and development of fisheries resources after they are approved by competent authorities;

d/ To direct, guide and inspect the implementation of master plans on concentrated aquaculture zones; and prevention and eradication of aquatic resource epidemics and diseases;

dd/ To provide a list of aquatic species which need to be conserved, protected or re-generated; measures for protecting aquatic bio-systems and conserving gene funds and aquatic biodiversity in accordance with law;

e/ To perform the state management of the fisheries resources surveillance force in accordance with the law;

g/ To direct the performance of the state management of fishery activities in accordance with the fisheries law.

13. Regarding irrigation:

a/ To perform the state management of anti-flood master plans of diked rivers, dike master plans, dike construction, repair, upgrading and solidification investment, dike management and protection, and dike maintenance and use under the Law on Dikes in accordance with law;

b/ To perform the state management of natural disaster prevention and control under the Law on Dikes, the Law on Natural Disaster Prevention and Control, and other relevant laws;

c/ To perform the state management of the exploitation and protection of irrigation works in accordance with law;

d/ To direct, guide and inspect the implementation of strategies and master plans on irrigation and strategies on prevention,

control and mitigation of natural disasters after they are approved by the Government;

dd/ To direct, guide and inspect the formulation, approval and implementation of master plans on irrigation for agriculture and for multiple socio-economic purposes in accordance with law;

e/ To approve master plans on irrigation and rural clean water supply related to two or more provinces, systems of irrigation works, and technically complex or large irrigation works and irrigation works within a province to serve flood prevention and combat, inundation water supply, drought and salinization prevention and combat, soil improvement, river bank and coastal landslide and rural water supply and drainage in accordance with law;

g/ To direct, guide and inspect the approval of provincial strategies on irrigation, the system of irrigation works, clean water and rural environmental sanitation in accordance with law;

h/ To direct, guide and inspect the elaboration of plans on construction, management, exploitation, use and protection of rural water supply and drainage works;

i/ To perform of the state management of dam safety and irrigation reservoirs in accordance with law; to perform the tasks under the Ministry's state management as prescribed in the Law on Water Resources and other relevant laws.

14. Regarding rural development:

a/ To direct and organize the implementation of the national target programs on building a new countryside; and hunger eradication and poverty alleviation programs and projects as assigned by the Government;

b/ To synthesize and submit to the Prime Minister for approval economic restructuring plans, integrated rural development programs and strategies on development of rural craft villages in association with households and cooperatives in communes;

c/ To assume the prime responsibility for, guide and inspect of the implementation of population distribution and resettlement of inhabitants affected by irrigation and hydroelectricity works; population distribution and resettlement of inhabitants in natural disaster-prone and special difficulty-hit areas, border areas, on islands, in areas of sea level rise caused by climate change, areas inhabited by free migrants, and important and very important areas of protective forests and special-use forests; to direct, guide and inspect the implementation of sedentary farming, migration, and resettlement work in rural areas and ethnic minority and mountainous areas according to national socio-economic development master plans;

d/ To implement programs and projects on construction of rural infrastructure works as assigned by the Government.

15. Regarding enterprises, cooperatives and other collective and private economic forms:

a/ To submit to the Government for promulgation mechanisms and policies to encourage and support household economy, farm economy and cooperative economy in the sectors and fields under the Ministry's state management;

To coordinate with the Ministry of Planning and Investment and related ministries and sectors in formulating mechanisms and policies to encourage, support and set orientations for the development of enterprises investing in agriculture and rural areas.

b/ To guide and inspect the implementation of regulations on conditional production and business lines on the list publicized by the Government, and handle violations in accordance with its competence;

c/ To exercise the rights and perform the responsibilities and obligations of the state owner toward state-owned single-member limited liability companies and state capital invested in other enterprises organized and operating under the Enterprise Law as assigned or decentralized by the Government in accordance with law.

16. Regarding processing, preservation and transport of and trading in agricultural, forest, fishery and salt products:

a/ To direct, guide and inspect the implementation of master plans, programs, mechanisms and policies on development of the processing industry in combination with production activities and the commodity markets under the Ministry's state management; and policies on development of agricultural mechanical engineering, rural trades and craft villages in association with households and cooperatives after they are approved by competent authorities;

b/ To direct, guide, inspect and evaluate the development of the processing industry, mechanical engineering, rural trades and craft villages and post-harvest preservation activities under the Ministry's state management;

c/ To guide the transport, import and export of goods subject to specialized management of agriculture, forestry, fishery and salt production.

17. To manage national reserves of plant varieties, pesticides, veterinary drugs and other goods as assigned by the Government.

18. Regarding science and technology:

a/ To direct scientific research and technology development in the sectors and fields under the Ministry's state management; mechanisms and policies on agriculture, farmers and countryside;

b/ To direct the performance of the state management of high technology in agriculture in accordance with the high technology law.

19. To direct the performance of the state management of agriculture extension activities in accordance with the agriculture extension law.

20. To direct the performance of the state management of food quality and safety for agricultural, forest, fishery and salt products under the Food Safety Law, the Product and Goods Quality Law, the Standards and Technical Regulations Law in accordance with law.

21. Regarding environmental protection, climate change and biodiversity:

a/ To direct the performance of the state management of environmental protection for production, trading and service provision in the sectors and fields under the Ministry's management in accordance with law;

b/ To direct the performance of the state management of biodiversity and biology safety in the sectors and fields under the Ministry's state management;

c/ To direct and deploy the response to climate change and sea level rise under the Ministry's state management as assigned by the Government or the Prime Minister.

22. To direct, guide and organize trade or investment promotion activities in the sectors and fields under its state management.

23. To inspect the technical safety of machinery, equipment, supplies and substances subject to strict labor safety requirements in the sectors and fields under the Ministry's management in accordance with law.

24. To carry out international cooperation and global economic integration in the sectors and fields under the Ministry's state management in accordance with law.

25. To decide on, and direct the implementation of, its administrative reform program in line with the objectives and contents of the state administrative reform program approved by the Prime Minister; to propose or decide on decentralization of the state management of sectors and fields according to its competence.

26. Regarding management of organization and provision of public services:

a/ To submit to the Government for promulgation mechanisms and policies on provision of public services; and on the socialization of the provision of public services in the sectors and fields under the Ministry's state management;

b/ To submit to the Prime Minister a master plan on the network of non-business and public-service organizations;

c/ To guide the implementation of policies and laws, and support public non-business service providers in the sectors and fields under the Ministry's state management in accordance with law.

27. To perform the state management of associations and non-governmental organizations operating in the sectors or fields under the Ministry's state management in accordance with law.

28. To manage its apparatus and payroll of civil servants, working positions and number of public employees; to implement the salary regime and regimes and policies on preferential treatment, commendation and disciplining of civil servants and public employees under its management under the Law on Cadres and Civil Servants and the Law on Public Employees in accordance with law.

29. To manage emulation and commendation work in accordance with law.

30. To examine, inspect and settle complaints and denunciations, prevent and combat corrupt and negative practices, and handle violations in related sectors or fields in accordance with law.

31. To manage information technology and statistics under its state management as prescribed in the Information Technology Law, Statistics Law in accordance with law.

32. To manage allocated finance, assets and other resources, and organize the implementation of allocated budgets in accordance with law.

33. To act as a national standing body for flood and storm prevention and control; forest protection and development plans; building of a new countryside; clean water and rural environmental sanitation; anti-desertization; and management of international trading of endangered, rare and precious forest fauna and flora species; and prevention and combat of cattle and poultry diseases in accordance with law.

34. To perform other tasks and exercise other powers assigned by the Government or the Prime Minister, or prescribed by law.

Article 3. Organizational structure

1. The Planning Department.

2. The Finance Department.
3. The Science, Technology and Environment Department.
4. The International Cooperation Department.
5. The Legal Affairs Department.
6. The Organization and Personnel Department.
7. The Enterprise Management Department.
8. The Office.
9. The Inspectorate.
10. The Cultivation Department.
11. The Plant Protection Department.
12. The Husbandry Department.
13. The Animal Health Department.
14. The Department for Processing of Agricultural, Forest and Fishery Products and Salt Production.
15. The Department for Management of Work Construction.
16. The Department for Cooperative Economy and Rural Development.
17. The National Agro-Forestry-Fisheries Quality Assurance Department.
18. The Forestry Directorate.
19. The Fisheries Directorate.
20. The Water Resources Directorate.
21. The Institution of Policy and Strategy for Agriculture and Rural Development.
22. The College of Management for Agriculture and Rural Development I.
23. The College of Management for Agriculture and Rural Development II.
24. The Informatics and Statistics Center.
25. The Vietnam Agriculture Newspaper.

26. The Agriculture and Rural Development Magazine.

The units referred to in Clauses 1 thru 20 shall assist the Minister in performing the state management function; the units referred to in Clauses 21 thru 26 are public non-business units serving the Ministry's state management function.

The Minister of Agriculture and Rural Development shall submit to the Prime Minister regulations on the functions, tasks, powers and organizational structures of the Water Resources Directorate, the Forestry Directorate and the Fisheries Directorate; and promulgate a list of other public non-business units attached to the Ministry.

The Minister of Agriculture and Rural Development shall define the functions, tasks, powers and organizational structures of units attached to the Ministry, except the units referred to in Clauses 18, 19 and 20 of this Article.

The Organization and Personnel Department may organize 6 divisions; the Science, Technology and Environment Department, 5; the International Cooperation Department, 4. The Legal Affairs Department may organize the Administrative Procedure Control Division.

The Plant Protection Department and the Animal Health Department may organize branches.

Article 4. Effect

1. This Decree takes effect on January 15, 2014.

2. This Decree replaces the Government's Decree No. 01/2008/ND-CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of

Agriculture and Rural Development and Decree No. 75/2009/ND-CP of September 10, 2009, amending Article 3 of Decree No. 01/2008/ND-CP; to annul previous regulations which are contrary to this Decree.

Article 5. Transitional provisions

The Water Resources Directorate, the Forestry Directorate and the Fisheries Directorate shall continue implementing current regulations until the Prime Minister decides on their functions, tasks, power and organizational structure.

Article 6. Implementation responsibilities

The Minister of Agricultural and Rural Development, ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.-

On behalf of the Government
Prime Minister
NGUYEN TAN DUNG