

**DECISION No. 99/2001/QĐ-TTg OF JUNE 28,
2001 PROMULGATING OF THE REGULA-
TION ON THE ORGANIZATION AND
OPERATION OF THE NATIONAL BOARD ON
WATER RESOURCE**

THE PRIME MINISTER

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

*Pursuant to Decision No. 67/2000/QĐ-TTg of June
15, 2000 of the Prime Minister on the setting up of the
National Board on Water Resource;*

*At the proposal of the Chairman of the National
Board on Water Resource.*

DECIDES:

*Article 1.- To promulgate together with this Decision
the Regulation on the organization and operation of the
National Board on Water Resource.*

Article 2. This Decision takes effect after its signing.

*Article 3. The ministers, the heads of ministerial-level
agencies, the heads of the agencies attached to the
Government, the presidents of the People's Committees
of the provinces and centrally-run cities, the Chairman
and members of the National Board on Water Resource
shall have to implement this Decision.*

*For the Prime Minister
Deputy Prime Minister
NGUYEN CONG TAN*

REGULATION ON THE ORGANIZATION AND OPERATION OF THE NATIONAL BOARD ON WATER RESOURCE

(Promulgated together with Decision No 99/2001 QD- TTg of June 28, 2001 of the Prime Minister)

Chapter I

FUNCTION, TASKS AND POWERS OF THE NATIONAL BOARD ON WATER RESOURCE

Article 1.- The National Board on Water Resource has the task of giving consultancy to and assisting the Government in making important decisions concerning the water resource within the ambit of the latter's tasks and powers:

1. Consultancy on the national strategy and policies on water resource;
2. Consultancy on examining and approving the planning on the basins of major rivers;
3. Consultancy on the shifting of water among the basins of major rivers;
4. Consultancy on the projects of protecting, exploiting and using the water resource decided by the Government; preventing, fighting and overcoming the aftermath of floods and other damages caused by water;
5. Consultancy on the management, protection, exploitation and use of international water resources and settling disputes arising therefrom;
6. Consultancy on the settlement of disputes concerning water resources among the ministries and branches and between the ministries and branches on one side and the People's Committees of the provinces and centrally-run cities on the other and among the provinces and centrally-run cities.

Article 2.- Basing itself on the tasks prescribed in Article 1 of this Regulation, the National Board on Water Resource shall:

1. Take the initiative in studying and making suggestions or giving to the Government consultancy on major undertakings, policies and projects and important questions in the domain of water resource;
2. Organize discussions and solicit the opinions of experts and scientists on the strategy of national water resource, on major, important and complicated projects under the competence of the Government;

3. Make suggestions on major and important reports and projects on the water resource at the proposals of the ministries, branches and localities or at the request of the Government.

Article 3.- Tasks and powers of the Board members:

1. Tasks and powers of the Chairman of the Board:
 - To lead the Board in its activities according to the function and tasks stipulated in Article 1 and Article 2, Chapter I, of this Regulation;
 - To urge and inspect the performance of the tasks by the Board members;
 - To decide to replace one or several members of the Board after reaching consensus with the related ministries and branches;
 - To decide the contents of the questions brought up for discussion at each meeting of the Board;
 - To convene and preside over the meetings of the Board;
2. Tasks and powers of the standing members of the Board:
 - To help the Chairman of the Board in leading the common work of the Board;
 - To settle the day-to-day work of the Board and the questions assigned or authorized by the Chairman of the Board;
 - To convene and preside over the meetings of the Board when authorized by the Chairman of the Board;
 - To directly lead the Office of the National Board on Water Resource.
3. Tasks and powers of the regular members:
 - To take part in all meetings of the Board and fulfill all tasks assigned by the Board;
 - To make suggestions on the questions brought up for discussion at the meetings of the Board or on the documents sent by the Board, and also to make written answers if they cannot attend the meeting of the Board;
 - To be entitled to get access to and be supplied with the necessary information and to use means of their unit to perform their tasks.
4. Tasks and powers of the irregular members:
 - To take part in meetings of the Board when invited by the Chairman of the Board;
 - To contribute their opinions to the questions related to the locality and domain of activity of their agency at

the meetings of the Board or to the documents sent by the Board, and also to make written answers when they are not able to attend meetings of the Board;

- To be entitled to get access to the necessary information and use the means of their units to perform their task;

- To have the voting right like the regular members when taking part in meetings of the Board.

Chapter II

WORKING PRINCIPLES AND RELATIONS OF THE BOARD

Article 4.- The working regime of the National Board on Water Resource is to discuss, make suggestions and vote at the meetings of the Board. The Director of the Board Office is the secretary of the Board's meetings.

Article 5.- An opinion which is approved by the majority of the members or which, though approved by only half of the members but is approved by the Chairman of the Board, is a common recommendation of the Board; the recommendations of a meeting of the Board shall be fully transmitted to the Government with the signatures of the Chairman and Secretary of the meeting of the Board. Other opinions shall also be fully recorded in the minutes of the meeting of the Board, and shall be sent to the Government with the signatures of the Standing Member and the Secretary of the meeting of the Board.

Article 6.- Each year the National Board on Water Resource shall hold two meetings in the second and fourth quarters. In case of necessity and at the request of the Prime Minister or at the request of at least half of the regular members of the Board, the Chairman of the Board shall convene an extraordinary meeting. All meetings of the Board must be attended by at least half of its members.

Article 7.- Depending on the contents of the meeting, the Chairman of the Board may invite representatives of the concerned agencies, localities and scientists. The guests shall not take part in the voting on questions of the Board unless invited as non-regular members of the Board.

Article 8.- In case no meeting is convened, the Chairman of the Board may send documents and observation cards to the members of the Board to collect their opinions. The Director of the office of the National

Board on Water Resource shall have to integrate these opinions for submission to the Chairman of the Board and report the synthesized result to all members of the Board.

Article 9.- The National Board on Water Resource is entitled to request the ministries, branches and localities to report the activities related to the water resource to serve the research and consultancy work of the Board.

The ministries, branches and localities have the responsibility to supply necessary information and documents at the request of the National Board on Water Resource.

Article 10.- The funding for the operation of the National Board on Water Resource and its Office shall be incorporated in the annual regular budget of the Ministry of Agriculture and Rural Development according to the plan approved by the competent authority.

Chapter III

FUNCTION AND TASKS OF THE OFFICE OF THE NATIONAL BOARD ON WATER RESOURCE

Article 11.- The National Board on Water Resource has its own Office to assist it in its work based at the Ministry of Agriculture and Rural Development. The Office of the Board has the following main tasks:

1. To prepare the agenda and contents for meetings of the Board and the workshops decided by the Chairman of the Board;

2. To prepare the contents and documents related to the work of the Board between two meetings and to send these documents to the members of the Board as well as the agenda of each meeting at least 14 days before a regular meeting.

3. To synthesize the written opinions contributed by the members absent from the meetings in order to report to the Board and to notify the absent members of the conclusions of the meetings.

4. To write and send the minutes of the meetings and send the consultancy report of the Board to the Government.

5. To study, survey and draw up the consultancy plan including consultancy on international cooperation in the

domain of water resource and the creation of consultancy groups on questions mentioned in Article 1, Chapter I, of this Regulation.

6. To compile the national water resource dossier and other necessary information tools to assist in the consultancy work of the Board. To regularly update the information and data related to the tasks of the Board.

7. To draw up the working plan and the draft annual expenditures of the Board and submit them to the competent authority for examination and approval.

8. To manage the organization, personnel and properties assigned to it according to the State regulations.

Article 12.- Organization of the Board Office

1. The managerial agency for the water resource under the Ministry of Agriculture and Rural Development shall function as the Office of the National Board on Water Resource.

The Office of the National Board on Water Resource has its own seal.

2. The payroll of the Office of the Board is part of the payroll of the Ministry of Agriculture and Rural Development and prescribed by the Minister of Agriculture and Rural Development.

3. The Director of the Water Management and Water Conservancy Projects Department (under the Ministry of Agriculture and Rural Development) is also Director of the Office of the Board. The Director of the Board Office is answerable to the Chairman of the Board and the Minister of Agriculture and Rural Development who is the Standing member of the Board, for all aspects of the Office activities.

4. The Director of the Board Office is assisted by a number of Deputy Directors of Office. The Minister of Agriculture and Rural Development who is the standing member of the Board shall appoint and dismiss the Deputy Directors of the Office of the Board.

Chapter IV

FINAL PROVISIONS

Article 13.- Each year when the need arises to replace their representatives as regular members of the Board, the ministries and branches shall make written proposals to the Chairman of the Board for consideration and decision.

Article 14.- The amendment and supplement to this Regulation shall be discussed by the National Board on Water Resource and reported to the Prime Minister for consideration and decision.

For the Prime Minister
Deputy Prime Minister
NGUYEN CONG TAN

DECISION No. 100/2001/QĐ-TTg OF JUNE 28, 2001 AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE REGULATION ON FINANCIAL MANAGEMENT APPLICABLE TO VIETNAM SOCIAL INSURANCE

THE PRIME MINISTER

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

Pursuant to the Government's Decree No. 19 CP of February 16, 1995 on the establishment of Vietnam Social Insurance;

At the proposals of the Minister of Finance and the Management Council of Vietnam Social Insurance.

DECIDES:

Article 1.- To amend and supplement a number of articles of the Regulation on financial management applicable to Vietnam Social Insurance, issued together with the Prime Minister's Decision No. 20/1998/QĐ-TTg of January 26, 1998, as follows:

I. To amend and supplement Clause 1 of Article 14 as follows:

"1. Expenses for managing the operation of Vietnam Social Insurance system:

a) Regular managerial expenses of Vietnam Social Insurance system comprise various expenses (including expenses for scientific research and expenses for training and re-training) in service of the operation of the whole

branch, excluding expenses for overhaul of fixed assets, expenses for procurement of large assets under projects ratified by competent authorities.

b) The State shall manage the pay roll of officials and public-servants in the managerial apparatus of Vietnam Social Insurance. Vietnam Social Insurance shall be allowed to take initiative in arranging, structuring and recruiting labor according to the provisions of the Labor Code so as to satisfy its working demand.

c) Funding for regular managerial expenses of Vietnam Social Insurance system shall be deducted from the profits earned from investment activities and growth of the Fund and calculated as equal to 4% of the actually collected annual social insurance premiums. This rate shall be applied in two years, 2001 and 2002.

d) If Vietnam Social Insurance fulfills its tasks and saves regular managerial expenses, it shall be allowed to use the excessive amount to cover the following additional expenditures:

- Additional payment of wages and remuneration to laborers of the whole branch according to their work performance, but the maximum level must not double the wage fund currently prescribed by the State.

- Payment of wages for contractual laborers in necessary cases in order to ensure the completion of work.

- Addition to the reward and welfare funds, which must not exceed the average three months' paid wages of the whole branch.

- Payment of additional allowances for the laborers of the system when implementing the policy of labor restructure and pay roll streamlining as prescribed by the State's regimes.

- The amount (if any) left after covering 4 above-mentioned spending contents shall be put forward for use in the subsequent year".

II. To amend and supplement Article 18 as follows:

"Profits earned from investment activities and growth of the social insurance fund shall be allocated and used as follows:

1. 50% of the profits shall be deducted for addition to the social insurance fund for its preservation and growth.

2. Making deductions to cover regular managerial expenses of Vietnam Social Insurance system

3. Making deductions for the reward and welfare funds, which shall be equal to the average three months'

paid wages of the whole branch.

4. The remainder shall be added to the investment capital sources for the construction of material base of the whole system of Vietnam Social Insurance".

Article 2.- This Decision takes effect as from January 1, 2001. The previous provisions, which are contrary to the provisions of this Decision, shall cease to be effective.

Article 3.- The Ministry of Finance shall have to guide and inspect the implementation of this Decision.

Article 4.- The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the presidents of the People's Committees of the provinces and centrally-run cities, the Management Council of Vietnam Social Insurance and the General Director of Vietnam Social Insurance shall have to implement this Decision.

Prime Minister
PHAN VAN KHAI