

## **THE MINISTRIES**

### **THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT**

#### **DECISION No. 05/2004/QD-BTNMT OF MAY 4, 2004 PROMULGATING THE REGULATION ON REGISTRATION AND LICENSING OF GEODESIC AND CARTOGRAPHIC ACTIVITIES**

#### **THE MINISTER OF NATURAL RESOURCES AND ENVIRONMENT**

*Pursuant to the Government's Decree No. 91/  
2002/ND-CP of November 11, 2002 defining the  
functions, tasks, powers and organizational  
structure of the Ministry of Natural Resources  
and Environment;*

*Pursuant to the Government's Decree No. 12/  
2002/ND-CP of January 22, 2002 on geodesic  
and cartographic activities;*

*At the proposals of the director of the  
Department for Geodesy and Cartography and  
the director of the Legal Department,*

#### **DECIDES:**

**Article 1.-** To promulgate together with this Decision the Regulation on registration and licensing of geodesic and cartographic activities.

**Article 2.-** This Decision takes effect 15 days

after its publication in the Official Gazette and replaces Decision No. 656/QĐ-ĐC of November 4, 1997 of the general director of Land Administration promulgating the Regulation on registration and practicing of geodesic and cartographic activities.

**Article 3.-** The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies, the presidents of the People's Committees of the provinces and centrally-run cities, and the concerned organizations and individuals shall have to implement this Decision.

**Minister of Natural Resources  
and Environment  
MAI AI TRUC**

#### **REGULATION ON REGISTRATION AND LICENSING OF GEODESIC AND CARTO- GRAPHIC ACTIVITIES**

*(Promulgated together with the Natural Resources and Environment Minister's Decision No. 05/2004/QĐ-BTNMT of May 4, 2004)*

#### **Chapter I**

#### **GENERAL PROVISIONS**

**Article 1.-** Scope of regulation

This Regulation prescribes the conditions,

order, procedures and competence for registering, granting, extending as well as supplementing the licenses for geodesic and cartographic activities.

**Article 2.-** *Objects of application*

1. The State management agencies in charge of geodesy and cartography and other related agencies.

2. Organizations and individuals engaged in geodesic and cartographic activities in the mainland, airspace and sea areas under the sovereignty and jurisdiction of the Socialist Republic of Vietnam.

**Article 3.-** *Principles for registration and licensing of geodesic and cartographic activities*

1. Geodesic and cartographic activities prescribed in Article 4 of the Government's Decree No. 12/2002/ND-CP of January 22, 2002 on geodesic and cartographic activities must all be registered and licensed.

2. The registration or licensing of geodesic and cartographic activities shall be conducted after non-business organizations obtain decisions on their geodesic and cartographic functions and tasks; or after economic organizations get business registration certificates or investment licenses according law provisions.

3. Organizations and individuals engaged in geodesic and cartographic activities shall be allowed to conduct activities already registered or stated in their licenses.

4. In the course of operation, if organizations and individuals wish to scale up and widen the

scope of their geodesic and cartographic activities, they may make additional registrations or have their licenses supplemented.

**Article 4.-** *Responsibilities of the agencies managing the registration and licensing of geodesic and cartographic activities*

1. To supply registration forms; forms of application for granting, re-granting or extending licenses as prescribed.

2. To organize the registration or consider the licensing of geodesic and cartographic activities as prescribed.

3. To keep registration dossiers and grant licenses for geodesic and cartographic activities.

4. To periodically or extraordinarily inspect the registration and geodesic and cartographic activities of organizations and individuals; detect violations, handle them according to competence or propose the handling thereof according to law provisions.

5. To send the registration papers or the licenses for geodesic and cartographic activities to organizations and individuals that have already registered or been granted licenses. The Department for Geodesy and Cartography under the Ministry of Natural Resources and Environment (hereinafter called the Geodesy and Cartography Department for short) shall have to notify such in writing to the Services of Natural Resources and Environment of the provinces or centrally-run cities where such organizations and individuals are headquartered for monitoring and inspection.

6. Annually, the provincial/municipal Services

of Natural Resources and Environment shall report to the provincial/municipal People's Committees and the Geodesy and Cartography Department on the situation of registration of geodesic and cartographic activities within their respective localities. The Geodesy and Cartography Department shall report to the Minister of Natural Resources and Environment on the situation of registration of geodesic and cartographic activities nationwide. Reports shall be made according to a set form (not printed herein).

**Article 5.-** Responsibilities of organizations and individuals that register, or apply for licenses for, geodesic and cartographic activities

Organizations and individuals that register, or apply for licenses for, geodesic and cartographic activities have the following responsibilities:

1. To send their written registrations or dossiers of application for geodesic and cartographic licenses to the competent State agencies according to regulations;
2. To be responsible for the registered contents or contents of dossiers of application for geodesic and cartographic activity licenses;
3. To pay fee(s) according to law provisions.

### **Chapter II**

#### **REGISTRATION OF GEODESIC AND CARTOGRAPHIC ACTIVITIES**

**Article 6.-** Scope of registration of geodesic and cartographic activities

Geodesic and cartographic activities not specified in Article 10 of this Regulation must be registered with the competent State agencies defined in Article 8 of this Regulation.

**Article 7.-** Conditions for registering geodesic and cartographic activities

1. Domestic organizations that register geodesic and cartographic activities must fully satisfy the following conditions:

a/ Possessing the establishment decisions of competent State agencies, which prescribe their geodesic and cartographic functions and tasks, for non-business units; or possessing the business registration certificates for geodesic and cartographic business line, for economic organizations;

b/ Having the number of geodesic and cartographic technicians and technical workers compatible with the payroll limit prescribed in econo-technical norms of geodesic and cartographic work for making 1 (one) geodesic and cartographic product within the registered contents;

c/ Having the quantity of geodesic and cartographic technical and technological equipment and facilities compatible with the equipment and machinery norm prescribed in econo-technical norms of geodesic and cartographic work for making 1 (one) geodesic and cartographic product within the registered contents.

2. Foreign-invested enterprises and foreign investors joining business cooperation contracts under the legislation on foreign investment in Vietnam (collectively called foreign investment

enterprises) which register geodesic and cartographic activities must have investment licenses granted by competent Vietnamese State agencies and fully meet the conditions prescribed at Points b and c, Clause 1 of this Article.

3. Individuals who register geodesic and cartographic activities must fully meet the following conditions:

a/ Possessing university or college degrees or diplomas or intermediate level diplomas in geodesy and cartography;

b/ Meeting all the conditions prescribed at Point c, Clause 1 of this Article.

Individuals shall be allowed to register only *geodesic and cartographic activities not specified in Article 10 of this Regulation and conducted singly by 1 (one) individual.*

**Article 8.- Competence to register geodesic and cartographic activities**

1. The Geodesy and Cartography Department shall organize the registration of geodesic and cartographic activities for organizations and individuals engaged in geodesic and cartographic activities of the ministries, ministerial-level agencies, the Government-attached agencies, central bodies of political organizations, socio-political organizations and some professional organizations, corporations established under the Prime Minister's decisions, foreign organizations and organizations entering into joint-ventures with foreign parties.

2. The provincial/municipal Services of Natural Resources and Environment shall assist

the People's Committees of the provinces and centrally-run cities in organizing the registration of geodesic and cartographic activities for organizations and individuals engaged in geodesic and cartographic activities not falling into the cases prescribed in Clause 1 of this Article.

**Article 9.- Procedures for registering geodesic and cartographic activities**

1. Organizations and individuals that register geodesic and cartographic activities shall make 2 (two) written registrations according to a set form (not printed herein) and submit them to the agencies with registering competence defined in Article 8 of this Regulation.

2. Upon receiving valid written registrations, the competent State agencies shall complete the certification of the registration of geodesic and cartographic activities right on the same day, or on the next day at the latest, then send to each registering organization or individual 1 (one) certified written registration of geodesic and cartographic activities. In cases where they reject the registration, they must notify in writing the concerned organizations and individuals of the reasons therefor.

### **Chapter III**

#### **LICENSING OF GEODESIC AND CARTOGRAPHIC ACTIVITIES**

**Article 10.- List of geodesic and cartographic activities which must be licensed**

1. Surveying, projecting, making technical designs – cost estimates of geodesic and

cartographic works.

2. Evaluating quality of geodesic and cartographic works and products.

3. Building the national networks of coordinates and altitudes

4. Building the system of base points for gravity, astronomical, satellite and deepness measurement.

5. Aerial photography of the earth.

6. Measuring, drawing and making topographic maps of a scale of between 1/50,000 and 1/10,000.

7. Measuring, drawing and making topographic maps of a scale of between 1/2,000 and 1/5,000.

8. Measuring, drawing and making topographic maps of seabed of various scales.

9. Measuring, drawing and making base cadastral maps of various scales.

10. Measuring, drawing and making cadastral maps of various scales.

11. Measuring, drawing and making administrative boundary maps at all levels.

12. Making national and provincial administrative maps.

13. Printing maps of all kinds.

14. Expertising geodesic and cartographic equipment and machinery.

15. Developing a geodesic and cartographic

database.

**Article 11.-** Conditions for licensing geodesic and cartographic activities

1. Domestic organizations shall be licensed for geodesic and cartographic activities when they fully meet the following conditions:

a/ Possessing establishment decisions of competent State agencies, defining the geodesic and cartographic functions and tasks, for non-business units; or having business registration certificates for the geodesic and cartographic business line, for economic organizations;

b/ Having the number of geodesic and cartographic technicians and technical workers compatible with the payroll limit prescribed in econo-technical norms of geodesic and cartographic work for making 1 (one) geodesic and cartographic product within the contents applied for licenses;

c/ Having cadres in charge of technical matters, who have the university or higher degree in training specialties suitable to geodesic and cartographic activities applied for licenses and have practical experience in the geodesic and cartographic domain for at least 3 (three) years;

d/ Having the quantity of geodesic and cartographic technical and technological equipment and facilities compatible with the equipment and machinery norm prescribed in econo-technical norms of geodesic and cartographic work for making 1 (one) geodesic and cartographic product within the contents applied for licenses.

2. Foreign investment enterprises shall be licensed for geodesic and cartographic activities when they have investment licenses granted by competent Vietnamese State agencies and fully meet the conditions prescribed at Points b, c and d, Clause 1 of this Article.

3. Foreign organizations other than the subjects defined in Clause 2 of this Article shall be licensed for geodesic and cartographic activities when they have geodesic and cartographic contracts with domestic organizations or foreign investment organizations and fully meet the conditions prescribed at Points b, c and d, Clause 1 of this Article.

**Article 12.-** Competence to grant geodesic and cartographic activity licenses

The Geodesy and Cartography Department is the agency competent to grant, supplement contents of, extend and re-grant, geodesic and cartographic activity licenses.

**Article 13.-** Procedures for licensing geodesic and cartographic activities

1. An organization which applies for a geodesic and cartographic activity license shall compile a dossier in 2 (two) sets. Each dossier set comprises:

a/ An application for a geodesic and cartographic activity license, made according to a set form (not printed herein);

b/ A copy of its establishment decision or business registration certificate notarized by the State Notary Public; a copy of its investment license notarized by the State Notary Public, for organizations defined in Clause 2, Article 2 of

this Regulation; or a copy of the geodesic and cartographic contract notarized by the State Notary Public, for organizations defined in Clause 3, Article 11 of this Regulation;

c/ A copy of its operation regulation or charter, notarized by the State Notary Public.

2. Order for submitting dossiers and granting licenses:

a/ Organizations applying for geodesic and cartographic activity licenses, which are attached to ministries, Government-attached agencies, the central bodies of political organizations, socio-political organizations and socio-professional organizations, and the corporations established under the Prime Minister's decisions, shall submit their dossiers to the Geodesy and Cartography Department. Within 5 (five) working days after receiving the complete valid dossiers, the Geodesy and Cartography Department shall have to consider, verify such dossiers and grant geodesic and cartographic activity licenses to organizations which fully satisfy the conditions. Where the conditions for granting licenses are not fully satisfied, it shall notify in writing the applying organizations of the reasons for refusal to grant licenses.

b/ Organizations applying for geodesic and cartographic activity licenses, which are other than the subjects defined at Point a, Clause 2 of this Article, shall submit their dossiers to the provincial/municipal Natural Resources and Environment Services.

Within 5 (five) working days after receiving the complete valid dossiers, the provincial/ municipal Natural Resources and Environment

Services shall have to evaluate the dossiers, make written dossier evaluation records according to a set form (not printed herein) and send them together with 1 (one) dossier set to the Geodesy and Cartography Department. Within 5 (five) working days after receiving the complete valid dossiers, the Geodesy and Cartography Department shall have to consider and grant geodesic and cartographic activity licenses to organizations which fully satisfy the conditions and send the licenses to the licensed organizations. Where the conditions for granting licenses are not fully satisfied, it shall notify in writing the applying organizations of the reasons for refusal to grant licenses.

**Article 14.-** Scope and valid duration of geodesic and cartographic activity licenses

1. Geodesic and cartographic activity licenses are valid nationwide.

2. The validity duration of a geodesic and cartographic activity license is 10 (ten) years. Upon the expiry of the validity duration, if organizations engaged in geodesic and cartographic activities wish to have their licenses extended, they shall apply for the extension by the competent State agencies. Each license shall be extended only once and the extended duration shall not exceed 5 (five) years.

3. Geodesic and cartographic activity licenses shall be issued by the Geodesy and Cartography Department according to a set form (not printed herein).

**Article 15.-** Supplementation of contents of geodesic and cartographic activity licenses

1. An organization applying for supplementation of contents of its geodesic and cartographic activity license shall compile a dossier in 2 (two) sets. Each dossier set comprises:

a/ An application for supplementation of license contents, made according to a set form (not printed herein);

b/ A report on situation of its geodesic and cartographic activities conducted after it is licensed, made according to a set form (not printed herein);

c/ The granted geodesic and cartographic activity license.

2. The submission and evaluation of dossiers, and supplementation of contents of geodesic and cartographic activity licenses shall comply with the provisions of Clause 2, Article 13 of this Regulation.

**Article 16.-** Extension of geodesic and cartographic activity licenses

1. An organization applying for extension of its geodesic and cartographic activity license shall compile a dossier in 2 (two) sets. Each dossier set comprises:

a/ An application for extension of geodesic and cartographic activity license, made according to a set form (not printed herein);

b/ A report on the situation of its geodesic and cartographic activities conducted after it is licensed, made according to a set form (not printed herein);

c/ The granted geodesic and cartographic activity license.

2. Dossiers of application for extension of geodesic and cartographic activity licenses shall be submitted to the Geodesy and Cartography Department.

After receiving the complete valid dossiers, the Geodesy and Cartography Department shall complete the extension of geodesic and cartographic activity licenses right on the same day, or on the next working day at the latest, for organizations fully satisfying the conditions. Where the conditions for extending licenses are not fully satisfied, it shall notify in writing the applying organizations of the reasons for refusal to extend licenses.

When the valid duration of geodesic and cartographic activity licenses prescribed in Clause 2, Article 14 of this Regulation expires, organizations which wish to continue their geodesic and cartographic activities shall make dossiers of application for new licenses according to the provisions of Article 13 of this Regulation.

**Article 17.-** Re-grant of geodesic and cartographic activity licenses

1. Geodesic and cartographic activity licenses shall be re-granted in the following cases:

a/ They are lost;

b/ They are so ragged, torn or damaged that they can no longer be used.

2. Organizations applying for re-grant of

geodesic and cartographic activity licenses shall submit their applications for license re-grant, made according to a set form (not printed herein), to the Geodesy and Cartography Department.

When receiving the complete valid dossiers, the Geodesy and Cartography Department shall complete the re-grant of geodesic and cartographic activity licenses right on the same day or the next working day at the latest.

In cases where organizations which have lost their geodesic and cartographic activity licenses find such licenses after they are re-granted licenses, they must hand over the found licenses to the Geodesy and Cartography Department.

#### **Chapter IV**

#### **IMPLEMENTATION PROVISIONS**

**Article 18.-** Organization of implementation

The director of the Geodesy and Cartography Department and the directors of the provincial/ municipal Natural Resources and Environment Services shall have to monitor and inspect the implementation of this Regulation. Any problems arising in the course of implementation should be promptly reported to the Natural Resources and Environment Ministry for consideration and decision.

**Minister of Natural Resources  
and Environment  
MAI AI TRUC**