

Part I. LEGAL DOCUMENTS**THE GOVERNMENT****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****THE GOVERNMENT**

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

Pursuant to the Government's Decree No. 178/2007/ND-CP of December 3, 2007, 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 and the Minister of Home Affairs,

DECREES:***Article 1.-* Position and functions**

The Ministry of Agriculture and Rural Development is a governmental agency which performs the function of state management in the domains of agriculture, forestry, salt-making, fisheries, irrigation and rural development throughout the country and performs the state management of public services in the domains falling within its management scope.

***Article 2.-* Tasks and powers**

The Ministry of Agriculture and Rural Development shall perform the tasks and exercise the powers prescribed in the Government's Decree No. 178/2007/ND-CP of December 3, 2007, defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies, as well as 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 resolutions and decrees of the Government according to its approved annual legislative programs and projects and schemes as assigned by the Government or the Prime Minister.

2. To submit to the Government long-term, five-year and annual development strategies, plannings and plans; strategies and plannings on key regions, inter-regional and inter-provincial areas and important national projects and works in the domains of agriculture, forestry, fisheries, salt-making, irrigation and rural development throughout the country; and draft decisions and directives falling within the Prime Minister's promulgating competence.

3. To promulgate decisions, directives, circulars, standards, regulations, processes and economic-technical norms in the domains falling within the scope of its state management in accordance with law; to guide and inspect the implementation of these documents.

4. To direct, guide, examine and take responsibility for the implementation of legal documents, strategies, plannings and plans falling within the scope of its state management after they are approved; to conduct law dissemination and education in the domains

under its state management

5. Regarding agriculture (cultivation, husbandry):

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

b/ To direct and guide the use of budgets for programs on preventing, controlling, and remedying consequences of, animal and plant epidemics; to establish national steering committees for prevention and control of animal epidemics and declare epidemics upon occurrence of dangerous contagious animal diseases which are transmittable to humans; to provide for animal and plant quarantine regimes and standards, certificates of and conditions on disposal of and trading in plant protection drugs and veterinary drugs, and the destruction or return of these drugs to their places of origin under competent authorities' decisions;

c/ To publicize and direct, guide, inspect, evaluate and synthesize reports on the implementation of approved strategies, plannings and plans on agricultural development nationwide;

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

e/ To direct the elaboration and inspect the implementation of plannings on development of consolidated 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 landslides;

f/ To publicize lists of, and grant permits for exploitation and use of, plant and animal gene sources and exchange of rare and precious plant and animal gene sources; to promulgate a list of main plants, a list of plant varieties and a list of animal breeds permitted for production and trading, a list of rare and precious plant varieties and animal breeds which need to be conserved, and a list of plant varieties and animal breeds banned from export or permitted for exchange with foreign countries; to permit the import of plant varieties and animal breeds outside the list of those permitted for production or trading; to promulgate national technical regulations on seed grades, processes of propagation and revigoration of super pure seeds, processes of production of varieties of industrial plants, fruit trees, ornamental trees and other trees;

g/ To promulgate regulations and processes on the assay, selection and creation of new plant varieties and animal breeds; to decide on the recognition, grant or cancellation of their protection titles; the processes of production of plant varieties and animal breeds subject to application of, and certification of quality conformity with, national technical regulations;

h/ To provide for the management, production, trading and use of fertilizers; to provide for the testing and recognition of new fertilizers; to publicize a list of fertilizers subject to announcement of quality standards; and to promulgate national technical regulations on fertilizers;

i/ To provide for the management, production, trading and use of livestock feed; to provide for the testing of animal feed and raw materials for production of animal feed; to publicize a list of animal feed and raw materials of animal origin which are used for production of animal feed;

j/ To guide the import and export of plant varieties, animal breeds, fertilizers and animal feed;

k/ Regarding plant protection:

To forecast about the situation of harmful organisms; to declare the occurrence of harmful organism epidemics in two or more provinces and report such to the Prime Minister; to guide, direct and decide on measures to stamp out epidemics and cancel epidemic-declaration decisions;

To publicize a list of categories of entities liable to plant quarantine and a list of objects of plant quarantine;

To guide and inspect the implementation of approved regulations on plant quarantine regimes and standards applicable to objects of plant quarantine which are imported, exported, temporarily imported for re-export, temporarily exported for re-import or in transit; to provide for certificates of and conditions on disposal of plant quarantine objects; to provide for certificates of and conditions on trading in plant protection drugs; to decide on plant protection drugs which must be destroyed or returned to their places of origin;

To provide for the assay and registration for circulation of new plant protection drugs and grant assay permits and registration certificates to plant protection drugs; to publicize lists of plant protection drugs permitted for use, restricted or banned from use in Vietnam. To grant permits for the import of plant protection drugs outside the list of those permitted for use;

To provide for uniforms and cards of quarantine workers and forms of plant quarantine papers;

To guide the import and export of plant protection drugs, raw materials for production of plant protection drugs and living organisms in the domain of plant protection; to provide for

imported goods subject to plant quarantine.

l/ Regarding the health of domestic animals (including aquatic animals):

To elaborate, and direct the implementation of strategies, plannings and plans on prevention and combat of animal diseases nationwide;

To provide for conditions and procedures for recognition and direct the building of animal disease-free regions and establishments throughout the country. To promulgate a list of animal diseases of which epidemics must be declared, a list of dangerous animal diseases and a list of diseases subject to compulsory preventive measures;

To forecast about the situation of animal diseases; to decide on declaration of epidemics and epidemic areas covering two or more provinces, epidemic-threatened areas, buffer areas and compulsory preventive measures applicable to animals; the disposal of diseased animals and products thereof, sterilization and disinfection. To declare the end of epidemics and cancel decisions on announcement of epidemic areas, epidemic-threatened areas and buffer areas;

To direct and inspect the implementation of approved national programs on control and elimination of animal epidemics;

To promulgate a list of objects of animal quarantine and a list of animals and animal products subject to quarantine;

To promulgate processes and procedures for animal quarantine and measures for disposal of animals, animal products, carriers and containers of animals and animal products failing to satisfy veterinary sanitation standards;

To guide and inspect the implementation of animal quarantine regimes and standards applicable to objects of animal quarantine which are exported, imported, temporarily imported for

re-export, temporarily exported for re-import or *in transit*; to provide for certificates of and conditions on trading in veterinary drugs and the destruction or return of these products to their places of origin;

To provide for the order and procedures for control of slaughtering activities and animal slaughtering marks; a list of objects of and order and procedures for inspection of veterinary sanitation; to provide for the research into, test and assay of, and procedures for registration and recognition of, veterinary drugs, bio-preparations, microorganisms and chemicals for veterinary use which are permitted for production and circulation in Vietnam;

To promulgate national technical regulations on veterinary sanitation and veterinary drugs; to publicize a list of veterinary drugs, bio-preparations, micro-organisms and chemicals for veterinary use which are subject to the application of, and certification of quality conformity with, national technical regulations;

To provide for uniforms and cards of quarantine workers and forms of animal and animal product quarantine papers;

To decide to permit the import of veterinary drugs and vaccines outside the list of those permitted for circulation in Vietnam;

To direct the diagnosis of animal diseases and the national veterinary sanitation work.

6. Regarding forestry:

a/ To direct and guide the implementation of the Government's and the Prime Minister's regulations on forestry development and policies and regulations on management and protection of endangered rare and precious forest fauna and flora species and list of these species; to elaborate a planning on the system of national and inter-provincial protection forests and special-use

forests and decide on the change of their use purposes; to promulgate forest management regulations;

b/ To publicize and direct, guide, inspect, evaluate and synthesize reports on the implementation of approved strategies, plans and plans on forest protection and development nationwide;

c/ To appraise plans on forest protection and development elaborated by provinces and centrally run cities;

d/ To guide and direct the survey, determination and demarcation of forests of all types; to conduct forest survey and inventory, monitor developments of forest and land resources in service of afforestation, compile forest management dossiers and announce the annual forest status and the results of five-year forest inventories;

e/ To establish criteria for forest status classification, criteria for classification of standard special-use forests and protection forests, criteria for forest plantations and regulations on the determination of forest plantations and zoned-off forests;

f/ To direct, guide and inspect the implementation of approved regulations and policies on investment in the development of production forests, planting of consolidated raw material forests, planting of rare and precious timber forests and development of natural forests;

g/ To guide combined forestry-agricultural-fisheries production in protection forests, economic-technical norms and forest development measures;

h/ To make a plan on, and direct and recognize, a system of national and regional seedling-sapling forests and gardens; to publicize a list of, and grant permits for exploitation, use and exchange of,

endangered rare and precious forest fauna and flora gene sources and permits for planting and raising wild plants and animals; to promulgate a list of principal forest trees, a list of forest saplings permitted for production and trading, and a list of forest saplings banned from export; to permit the exchange of forest saplings on the list of those banned from export with foreign countries and the import of forest saplings outside the list of those permitted for production and trading; to promulgate national technical regulations on seed grades, processes of propagation and revigoration of super-pure seeds; to promulgate assay processes and decide on the recognition, grant or cancellation of protection titles of new forest saplings; to establish the process of sapling production and publicize a list of forest saplings subject to the application of, and certification of quality conformity with, national technical regulations; to guide the import and export of forest saplings;

i/ To promulgate, monitor and inspect the implementation of regulations on and processes of forest tending and renovation and forest product exploitation; to announce the volume of forest products to be exploited annually by localities; to specify banned acts in sight-seeing tours or resort and ecological tourism in special-use forests and protection forests;

j/ To guide and direct the allocation, lease, recovery and change of use purposes of forests; to compile and manage dossiers of allocation and lease of forests and land for afforestation; to guide the elaboration of a plan on cultivation land areas; to direct, guide and inspect the implementation of regulations on management and protection of endangered rare and precious forest fauna and flora species in accordance with regulations;

k/ To provide professional guidance on forest protection forces' activities; to mobilize forest

protection forces when necessary; to direct and organize the supply of weapons, support tools, special-use devices, uniforms and cards to forest protection officers at various levels as prescribed; to inspect and direct the examination of forest protection forces' activities;

l/ To assume the prime responsibility for the implementation of the national program of action against desertization;

m/ To direct the forecast about forest fires, harmful pests and other disasters which may affect forests; to request provincial-level People's Committee presidents, ministries, branches and social organizations to mobilize forces and means upon occurrence of widespread forest fires; to direct and guide the application of measures for preventing and remedying consequences of forest fires and harmful pests and fighting against deforestation in strategic areas and disasters which affect forests.

7. Regarding salt-making:

a/ To direct and guide the implementation of regimes and policies on development of the salt-making industry after they are decided by competent authorities;

b/ To publicize, direct, guide, inspect, evaluate and sum up reports on the implementation of approved strategies, plannings and plans on development of salt-making nationwide;

c/ To give instructions on production and harvesting techniques and conduct the final review and assessment of the implementation of annual production plans;

d/ To promulgate and inspect the implementation of national technical regulations and processes on the production and processing of salt and salt products.

8. 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 and guide criteria for classification of species-habitat conservation zones and aquatic nature reserves; to decentralize the management of conservation zones of national and international importance; to promulgate regulations on the management, exploitation and protection of fisheries resources after obtaining competent authorities' decisions;

c/ To publicize and direct, guide, inspect, evaluate, sum up and report on the implementation of approved strategies, plannings and plans on fisheries development nationwide;

d/ To guide and inspect provinces and centrally run cities in the implementation of plannings on exploitation, protection and development of fisheries resources; to set criteria for classification of species-habitat conservation zones and aquatic nature reserves; to guide the decentralization of the management of conservation zones of national and international importance;

e/ To direct aquacultural activities according to plannings and plans. To provide for the import and export of aquatic breeds, migration, perpetuation, conservation, selection, creation and recognition of new breeds, and breed production and trading; to promulgate national technical regulations on, and inspect, breed quality; to form and manage the national breed system and the registration of national breeds;

f/ To publicize a list of national technical regulations on aquatic animal feed and raw materials for production of aquatic animal feeds and drugs and chemicals for aquacultural use which are on the list of imported and exported goods in the fisheries domain; to make national

technical regulations on veterinary sanitation and environmental protection in aquaculture; to publicize a list of drugs and chemicals permitted for use, banned or restricted from use in aquaculture;

g/ To publicize a list of aquatic species banned from exploitation and the time when fishing is banned; to provide for fishing methods, fishing trades and fishing gear banned or restricted from use, species and minimum sizes of aquatic animals permitted for fishing and fishing seasons, areas banned or restricted from fishing and aquatic species banned from import or export;

h/ To provide for 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 bio-diversity;

i/ To guide fishing activities of Vietnamese and foreign organizations and individuals in the mainland, islands, inland water areas, sea areas, exclusive economic zones and continental shelf of the Socialist Republic of Vietnam; to decentralize the management of fishing areas, routes and grounds;

j/ To direct, guide and inspect the implementation of approved regulations on decentralization of the competence to grant and withdraw fishing permits. To provide for the order of and procedures for the grant and withdrawal of fishing permits and direct the implementation thereof;

k/ To promulgate national technical regulations on quality, technical safety and environmental protection of fishing boats; to provide for titles of fishing boats' crew members and the registration and grant of fishing boats' crew books and the grant of fishing boat master and chief engineer diplomas;

l/ To promulgate regulations on the

management of fishing ports and wharves and fishing-boat storm shelters; the development of mechanical engineering in fisheries; the production of fishing gear and nets, the building, repair and conversion of fishing boats and the development of wholesale markets for aquatic products according to approved plannings;

m/ To promulgate, supervise and inspect the implementation of national technical regulations, processes and economic-technical norms for construction and protection of aquacultural facilities, fishing ports, fishing markets, fishing-boat storm shelters, aquatic animal feed-producing establishments, aquatic product-processing establishments and engineering establishments engaged in the building and repair of fishing boats;

n/ To decide on investment in the construction, renovation and upgrading of aquacultural equipment, fishing ports, fishing markets and fishing-boat storm shelters from the sources of capital allocated from the state budget through the Ministry.

9. Regarding irrigation:

a/ To direct and guide the implementation of legal documents on water irrigation and dikes; to implement regulations on prevention of and fight against damage caused by salinization after they are promulgated by competent authorities;

b/ To direct and guide the implementation of strategies and plannings on irrigation and strategies on prevention, combat and mitigation of natural disasters after they are approved by the Prime Minister;

c/ To assume the prime responsibility for elaborating plannings on regional irrigation and reservoirs serving agriculture and for multiple socio-economic purposes;

d/ To approve plannings on dykes and

irrigation facilities related to two or more provinces in service of flood prevention and combat, water supply, drought and salinization prevention and combat, soil improvement, river bank and coastal landslide and rural water supply and drainage;

e/ To publicize and direct, guide, inspect, evaluate, synthesize and report on the implementation of approved strategies, plannings and plans on development of irrigation nationwide;

f/ To propose to the Prime Minister and organize the implementation of measures for mobilization of supplies and means for preventing and remedying consequences of floods, droughts and inundation, dealing with incidents in irrigation works and other damage caused by water; to direct flood diversion and slowing work and the operation of large-sized irrigation reservoirs and more than one reservoir as assigned or decentralized;

g/ To guide the decentralization to provincial level People's Committees the competence to approve provincial plannings on irrigation, dyke systems and flood prevention and combat;

h/ To promulgate, supervise and inspect the implementation of national technical regulations, processes and economic-technical norms on the construction, exploitation and protection of the systems of irrigation works, dykes and facilities for prevention and combat of floods, storms, inundation, droughts and rural water supply and drainage;

i/ To provide for the permitted loads of, and the grant of permits for, motorized vehicles operating on dykes; to guide provincial-level People's Committees to grant, withdraw and extend permits of vehicles operating within the protection areas of irrigation works;

j/ To direct, guide and inspect the implementation of specific provisions on urgent circumstances requiring flood diversion and slowing and measures for safe evacuation so as to ensure people's production and daily-life activities, remedy consequences of inundation and provide supports for inhabitants living in the areas affected by flood diversion and slowing; to provide for measures for prevention, combat and mitigation of such natural disasters as storm, flood, drought, flash flood, landslide, salinization, sea level rise and tsunami;

k/ To decide to invest in the construction, renovation, upgrading and solidification of dykes and irrigation works nationwide with capital allocated from the state budget through the Ministry;

10. Regarding rural development:

a/ To act as the sole agency responsible for submitting to the Government mechanisms and policies on rural development, mechanisms, policies and regulations on the decentralization of the responsibility to appraise programs and projects on resettlement of rural inhabitants;

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; to direct, guide and inspect the implementation of these strategies, plannings and programs after they are approved;

c/ To synthesize and propose mechanisms and policies to encourage and support the development of the rural household and farm economy, cooperative economy and agricultural, forestry, fisheries and salt-making cooperatives in association with rural craft villages and trades in communes;

d/ To guide, direct and inspect the implementation of settled farming, migration, and resettlement work in agriculture and rural areas according to national socio-economic development plannings;

e/ To direct and manage hunger eradication and poverty alleviation programs and projects or their components and programs on building a new countryside as assigned by the Government;

f/ To coordinate with ministries, branches and localities in guiding the building of residential areas; to implement programs on building rural infrastructure as assigned by the Government.

11. To direct the implementation of, synthesize and manage, investment programs and projects and important national works in the domains under its management as assigned by the Government; to build and manage the results of baseline surveys and database on domains under its state management.

12. Regarding the processing, preservation, transportation of and trading in agricultural, forest, fishery and salt products:

a/ To direct and guide the implementation of plannings, programs, mechanisms and policies on development of the processing industry in combination with production activities and the markets of commodity lines in the domains under its 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 within the scope of its state management;

c/ To promulgate national technical regulations on food hygiene and safety and environmental sanitation from the stage of cultivation, harvest, processing, preservation and transportation until agricultural, forest, fishery and salt products are put on the market;

d/ To promulgate national technical regulations and technical processes and publicize a list of additives and chemicals permitted for use in the preservation of raw materials and agricultural, forest, fishery and salt products;

e/ To guide the transportation, import and export of agricultural, forest, fishery and salt products subject to specialized management.

13. To manage national reserves of plant varieties, animal breeds, plant protection drugs, veterinary drugs and other goods as assigned by the Government.

14. To direct scientific research and agriculture extension activities in the domain of cultivation, husbandry, forestry, fisheries, salt-making, processing and preservation of agricultural, forest, fishery and salt products, and rural trades.

15. Regarding the management of food quality, safety and hygiene for agricultural, forest, fishery and salt products:

a/ To guide and apply the systems of food safety and hygiene management: Good Manufacturing Practices (GMP), Good Aquaculture Practices (GAP), Code of Conduct (CoC), Good Hygiene Practices (GHP) and the Hazard Analysis Critical Control Point/Risk Management (HACCP/RM) in production, processing and transportation;

b/ To direct the supervision and inspection of residues of antibiotics and toxic chemicals and pathogens causing diseases to animals and plants in agricultural, forest, fishery and salt products before harvesting and in the stages of preliminary

processing, preservation, processing and transportation; to control animal slaughtering and veterinary sanitation;

c/ To promulgate regulations and technical regulations on food quality and safety, epidemic safety and environmental safety in the production, preservation and processing stages before products are marketed;

d/ To direct the inspection, recognition and cancellation of the recognition of satisfaction of conditions for assurance of food hygiene and safety of aquacultural establishments and areas and establishments engaged in the harvest, purchase, transportation, preservation, preliminary processing and processing of agricultural, forest, fishery and salt products;

e/ To direct and organize the certification of food quality, safety and hygiene for agricultural, forest, fishery and salt products and products which are imported or produced at home for export before they are marketed;

f/ To direct and inspect the grant of quarantine certificates for imported and exported goods lots (living animals or plant or animals products which may carry pathogens) for use in cultivation, husbandry or processing or goods lots temporarily imported for re-export, temporarily exported for re-import, transported from or to border-gates, in transit through the Vietnamese territory or transported within the country; to inspect the import or production of animal feed, veterinary drugs, fertilizers and chemicals used in husbandry and cultivation as decentralized.

16. Regarding the protection of agricultural and rural environment: To direct, guide and inspect the implementation of the environmental protection law and other relevant legal provisions on the production, import and use of chemicals, plant protection drugs, fertilizers and waste in agriculture, on the management of genetically

modified plant varieties and animal breeds and their products, on the system of dykes and irrigation works, forest conservation zones and rural daily-life clean water, on aquaculture, exploitation and processing of aquatic products; genetically modified aquatic animals and their products; and marine conservation zones.

17. To direct, guide and organize trade promotion activities in domains under its state management.

18. To manage the registry and registration of fishing boats and inspect the technical safety of machinery, equipment, supplies and substances subject to strict labor safety requirements in branches and domains under its management as prescribed by law.

19. To enter into international cooperation in agriculture, forestry, fisheries, salt-making, irrigation and rural development in accordance with law.

20. To decide and direct the implementation of its administrative reform program according to the objectives and contents of the state administrative reform program approved by the Prime Minister.

21. Regarding the exercise of the rights of representing the owner of state capital invested in enterprises:

a/ To elaborate schemes on reorganization and ownership transformation of these enterprises for submission to the Prime Minister and direct and organize the implementation of these scheme after they are approved by the Prime Minister;

b/ To propose the Prime Minister to appoint or dismiss according to his/her competence leaders, managers and chief accountants of state enterprises not yet equitized according to regulations;

c/ To approve according to its competence or propose the Prime Minister to approve organization and operation charters of state enterprises not yet equitized according to regulations.

22. Regarding the state management of organizations providing public services in the domains under its state management:

a/ To submit to the Government mechanisms and policies on the quality of public services and the socialization of the provision of public services in the domains under its state management;

b/ To submit to the Prime Minister a planning on the network of state-owned non-business and public-service organizations; conditions and criteria for the establishment of state-run non-business organizations in its management domains;

c/ To promulgate national technical regulations, economic-technical norms, order, procedures and time limits for provision of public services under its competence;

d/ To guide, create conditions for and support organizations providing public services in the domains under its state management in accordance with law.

23. Regarding the state management of enterprises, cooperatives and other cooperative and private economic forms in the domains under its state management:

a/ To propose mechanisms and policies to encourage, support and attract investment and set orientations for the development of enterprises, state-owned agricultural, forestry and fishery farms, household and farm economy, cooperative economy, and agricultural, forestry, fishery and salt-making cooperatives in the domains under its state management;

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 inspect and control, and handle environmental pollution, to inspect and examine the protection of biological environment and labor safety and sanitation in agricultural, forestry, salt-making, fishery and irrigation activities and rural craft villages;

d/ To promulgate national technical regulations in the domains under its management; to inspect, examine and handle according to its competence violations of national technical regulations on quality of goods and services in the domains of agriculture, forestry, salt-making, fisheries and irrigation in accordance with law.

24. Regarding the state management of associations and non-governmental organizations operating in the domains under its management nationwide:

a/ To recognize canvassing boards which are set up to establish associations and non-governmental organizations; to give written opinions to the Ministry of Home Affairs on permission for the establishment, merger, splitting and dissolution of associations and non-governmental organizations operating in the domains under its state management;

b/ To guide and create conditions for associations and non-governmental organizations to participate in activities in the domains under its management; to consult and receive recommendations and opinions of associations and non-governmental organizations in order to improve state management regulations in its domains;

c/ To examine and inspect the observance of

law by associations and non-governmental organizations operating in the domains under its state management; to handle or propose competent state agencies to handle violations committed by associations and non-governmental organizations in accordance with law.

25. Regarding management of public employees' and civil servants' ranks:

a/ To organize rank promotion exams for civil servants from the rank of specialist to the rank of principal specialist and from the rank of principal specialist to the rank of senior specialist as prescribed by law;

b/ To promulgate standards and professional criteria applicable to civil servants of different ranks in its assigned branches or domains after obtaining appraisal opinions of the Ministry of Home Affairs; to elaborate and submit to the Ministry of Home Affairs standards and professional criteria applicable to public employees of different ranks in its assigned branches for approval and promulgation; to promulgate specific professional criteria of heads of agencies that are attached to provincial/ municipal People's Committees, and specialized in the branches or domains under its management.

26. To manage the organizational apparatus and state payrolls, to direct the implementation of wage regulations and regulations and policies on preferential treatment, commendation and disciplining towards cadres, public employees and civil servants under its management; to provide training and retraining and build the contingent of cadres, public employees and civil servants working in the domains of agriculture, forestry, salt-making, fisheries, irrigation and rural development in accordance with law.

27. To examine, inspect and settle complaints

and denunciations, fight against corrupt and negative acts and handle illegal acts in agriculture, forestry, salt-making, fisheries, water resources and rural development in accordance with law.

28. Regarding finance and asset management:

a/ To manage the assigned finance and assets and organize the implementation of the allocated budget in accordance with law;

b/ To retain no more than 10% of the total allocated budget level under annual plans for spending on the prevention, control and remedying of consequences of natural disasters and epidemics and other unexpected tasks under the Prime Minister's authorization.

29. To act as the national standing body for flood and storm prevention and fighting and urgent matters regarding fire forest prevention and anti-desertization; to act the standing body of the competent agency in managing the trading in endangered wild fauna and flora species in accordance with law.

30. 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 Department.
6. The Organization and Personnel Department.

7. The Inspectorate.
8. The Office.
9. The Cultivation Department.
10. The Plant Protection Department.
11. The Husbandry Department.
12. The Animal Health Department.
13. The Department for Processing and Trade of Agricultural and Forestry Products and Salt-Making;
14. The Forestry Department;
15. The Forest Protection Department;
16. The Department for Exploitation and Protection of Aquatic Resources;
17. The Aquaculture Department.
18. The Water Resources Department.
19. The Department for Dyke Management and Flood and Storm Prevention and Combat.
20. The Department for Management of Work Construction;
21. The Department for Cooperative Economy and Rural Development.
22. The Department for Management of Agricultural, Forest and Fishery Product Quality.
23. The Informatics and Statistics Center.
24. The National Center for Clean Water and Rural Environmental Sanitation.
25. The National Center for Agriculture and Fisheries Extension.
26. The Vietnam Agriculture Newspaper;

27. The Agriculture and Rural Development Journal.

Units defined from Clauses 1 thru 22 of this Article are organizations assisting the Minister in performing the state management functions; units defined from Clauses 23 thru 27 of this Article are non-business units attached to the Ministry.

The Organization and Personnel Department, the Science, Technology and Environment Department and the International Cooperation Department may organize sections.

The Minister of Agriculture and Rural Development shall propose the Prime Minister to promulgate a list of other non-business organizations attached to the Ministry.

Article 4.- Implementation effect

1. This Decree takes implementation effect 15 days after its publication in "CONG BAO" and replaces the Government's Decree No. 86/2003/ND-CP of July 18, 2003, defining functions, tasks, powers and organizational apparatus of the Ministry of Agriculture and Rural Development and Decree No. 43/2003/ND-CP of May 2, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Fisheries.

2. Previous regulations contrary to this Decree are annulled.

Article 5.- Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial/municipal People's Committees shall implement this Decree.

On behalf of the Government
Prime Minister
NGUYEN TAN DUNG