

Part I. LEGAL DOCUMENTS

THE GOVERNMENT

DECREE No. 28/2008/ND-CP OF MARCH 14, 2008, DEFINING THE FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY

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 Science and Technology and the Minister of Home Affairs,

DECREES:

Article 1.- Position and functions

The Ministry of Science and Technology is a governmental agencies which performs the function of state management of science and technology, covering: scientific and technological activities; development of scientific and technological potential; intellectual property; standardization, measurement and quality control; atomic energy, radiation and nuclear safety; and state management of public services in the domains under its management in accordance with law.

Article 2.- Tasks and powers

The Ministry of Science and Technology has the tasks and powers specified 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, and the following specific tasks and powers:

1. To submit to the Government draft laws and draft 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 Prime Minister its long-term, five-year and annual development strategies, plannings and plans; plannings on a network of research and development organizations; research and development programs, target programs and national important projects; and draft decisions and directives falling within the Prime Minister's promulgating competence.

3. To approve strategies, plannings and programs on the development of branches and domains under its state management as decentralized or authorized by the Prime Minister.

4. To promulgate decisions, directives and circulars; to elaborate and promulgate standards, technical regulations, processes and techno-economic norms in the domains under its state management.

5. To direct, guide, examine and organize the implementation of legal documents, strategies, plannings and plans in the domains under its state management after they are approved; to propagate and disseminate legal documents; to provide professional direction and guidance on activities

of specialized agencies operating in the domains under its state management; to manage, guide and examine business activities in the domains subject to conditional business on a list prescribed by the Government.

6. To manage the grant, modification, withdrawal and extension of licenses, certificates and registration certificates in the domains under its state management in accordance with law.

7. Regarding scientific and technological activities:

a/ To direct the implementation of five-year and annual scientific research and technological development orientations, objectives and tasks, technology transfer, and promote the formation of techno economic branches and sectors on the basis of renewing technologies and focusing on the development of modern and high technologies;

b/ To assume the prime responsibility for, and guide ministries, branches and localities in, transforming public scientific and technological organizations to operate under the mechanism of autonomy and accountability; to guide the establishment and development of scientific and technological enterprises; to support organizations and individuals in promoting their technical initiatives and renovations in production; to guide organizations and individuals to conduct technology incubation and set up scientific and technological incubation enterprises;

c/ To perform the state management of hi-tech parks through the elaboration and submission to the Government for promulgation criteria and conditions for the establishment of hi-tech parks and the elaboration of mechanisms and policies for hi-tech development; to directly manage Hoa Lac Hi-Tech Park;

d/ To provide for the identification, selection,

assessment and take-over tests of scientific and technological tasks; to boost the application, notification and dissemination of scientific research and technological development results; to manage state-level key scientific and technological tasks;

e/ To provide for, guide and organize the registration of the operation of research and development organizations and scientific and technological service organizations in accordance with law;

f/ To provide for, guide and organize the registration of the operation of scientific and technological development funds at various levels (national, ministerial, provincial, institutional or individual), technology renewal funds and hi-tech venture funds in accordance with law;

g/ To provide for technology transfer and technology transfer consultancy services; to guide the assessment, valuation, appraisal and evaluation of technologies and accredit technology appraisal organizations; to certify the registration of technology transfer contracts according to power decentralization; to appraise scientific and technological contents of investment projects and socio-economic development plannings falling within the Prime Minister's approving competence as well as conditional investment projects; to elaborate and promulgate a list of technologies encouraged for transfer, a list of technologies restricted from transfer and a list of technologies banned from transfer;

h/ To act as the standing body of the National Council for Scientific and Technological Policies and the Council for Ho Chi Minh Award and State Award for Science and Technology;

i/ To provide professional guidance on management of scientific and technological activities to ministries, branches and localities.

8. Regarding the development of scientific and technological potential:

a/ To assume the prime responsibility for, and coordinate with ministries, branches and localities in, implementing plannings on development of research and development organizations nationwide. To specify conditions for operation of research and development organizations and scientific and technological service organizations of different types; to guide ministries and branches in managing the system of key national laboratories;

b/ To elaborate, submit to competent authorities for promulgation and organize the implementation of mechanisms and policies on the employment of Vietnamese and foreign scientists and technologists; to organize the implementation of plans on training and development of a contingent of leading specialists and support for the development of scientific and technological forces;

c/ To coordinate with the Ministry of Finance in elaborating financial mechanisms for scientific and technological development and measures for implementing policies on socialization of scientific and technological activities; to coordinate with the Ministry of Planning and Investment in developing a structure of state budget investment capital allocated for science and technology and distributed by branch and domain, and in appraising and supervising the implementation of annual plans on allocation of estimated budget funds for science and technology; to examine and supervise the use of science and technology funds by ministries, branches and localities in accordance with the Law on the State Budget, taking into account the particular aspects of scientific and technological activities;

d/ To provide for and guide scientific and

technological information, library and statistical activities and the development of the technology market; to direct and guide the operation of scientific and technological information service organizations; to build technical infrastructure for scientific and technological information and statistics, organize technology and equipment markets, technology trading centers and scientific and technological exhibitions; to build a database on scientific and technological human resources and achievements, invest in the development of advanced scientific and technological information networks linked with regional and international networks.

9. Regarding intellectual property:

a/ To assist the Government in performing the unified state management of intellectual property: examining the implementation of legal provisions on intellectual property; providing for the order of and procedures for registration and establishment of intellectual property rights as well as rights to use and transfer intellectual assets of organizations and individuals;

b/ To organize the establishment of industrial property rights, including those to marks; to apply measures for protecting lawful interests of the State, organizations and individuals in the domain of industrial property;

c/ To provide for and direct the operation of the industrial property-managing system; to provide professional guidance on industrial property to branches, localities, enterprises and units;

d/ To assume the prime responsibility for settling disputes over and commercial disputes related to industrial property in accordance with law;

e/ To coordinate with the Ministry of Culture, Sports and Tourism, the Ministry of Information and Communication and the Ministry of

Agriculture and Rural Development in performing the state management of intellectual property in related domains as assigned by the Government.

10. Regarding standardization, measurement and quality control:

a/ To manage the system of Vietnam standards and technical regulations; to evaluate and publicize national standards; to guide the elaboration and evaluation of national technical regulations; to organize the elaboration of national standards and technical regulations in the domains under its management; to guide the application of international, regional and foreign standards in Vietnam; to organize and manage the operation of the national network of notification authorities and enquiry points for technical barriers to trade; to perform the state management of numeral codes, bar codes and classification of products and goods;

b/ To manage the system of measurement standards; to provide for measures, measuring methods and measuring devices; to organize and manage the verification of measuring devices; to certify standard samples, approve models of measuring devices and certify measurement verifiers; to set forth the conditions on verification activities and accredit qualified verification establishments;

c/ To assume the prime responsibility for, and coordinate with concerned ministries and branches in, organizing the state management of quality of marketed goods, exported goods and imported goods in accordance with law; to guide and manage the assessment of conformity with standards and technical regulations and accreditation of testing laboratories, calibration laboratories, conformity certification organizations and evaluation organizations; to take the main charge for the implementation of national programs on raising productivity as well as quality

and competitiveness of products and goods; to implement international agreements and treaties on mutual recognition of results of assessment of standard- and technical regulation-conformity, measurement and product and goods quality.

11. Regarding atomic energy and radiation and nuclear safety:

a/ To guide and inspect the implementation of programs and projects on the use of atomic energy; to organize the use of atomic energy in techno-economic domains nationwide;

b/ To organize the administration of the national environmental radiation observation network and the system of standardized national laboratories in the domain of radiation and nuclear measurement;

c/ To provide for and guide the declaration of and grant of permits regarding radiation and nuclear safety. To inspect and handle violations in atomic energy development and use as well as assurance of radiation and nuclear safety;

d/ To perform the unified management of nuclear fuels and materials, source nuclear materials and the provision of services in support of atomic energy use; to manage the import and export of technologies, equipment, nuclear fuels and materials and radioactive sources in service of atomic energy use nationwide;

e/ To provide for the management of radioactive waste, control and response to radiation and nuclear incidents.

12. Regarding public services:

a/ To guide non-business organizations to provide public services in the domains under its state management;

b/ To elaborate processes, procedures and techno-economic norms applicable to public service-providing organizations operating in the domains under its management;

c/ To guide, facilitate and support public service-providing organizations in accordance with law.

13. To manage civil servants of scientific and technological ranks:

a/ To manage civil servants of scientific and technological ranks in accordance with 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 standards and professional criteria applicable to public employees of different ranks in its assigned branches to the Ministry of Home Affairs for approval and promulgation; to promulgate specific professional criteria of heads of agencies attached to provincial/municipal People's Committees and specialized in the branches or domains under its management;

c/ To organize and recognize the results of rank promotion examinations for civil servants of scientific and technological ranks in accordance with law.

14. Regarding international cooperation:

a/ To organize the implementation of approved bilateral and multilateral cooperation programs and agreements as well as schemes on international and regional integration in science and technology; to organize a network of overseas scientific and technological representations according to the Government's instruction;

b/ To direct and guide the implementation of regulations of the Government and the Prime Minister on the organization of international conferences and workshops related to the domains under its state management;

c/ To act as the official representative of Vietnam at international organizations in the

domains under its state management as assigned or authorized by the Government or the Prime Minister.

15. To guide and examine the implementation of guidelines, policies, legal provisions and professional regulations in the domains under its state management by ministries, ministerial-level agencies, government-attached agencies and local People's Committees.

16. To guide and create conditions for societies, associations and non-governmental organizations (collectively referred to as associations) to participate in its activities; to consult associations in order to finalize regulations on state management of science and technology; to examine the implementation of state regulations on associations.

17. To manage and organize the implementation of investment projects under its management in accordance with the laws on investment and construction.

18. To organize and direct the implementation of plans on scientific research and application of scientific and technological advances at units under its management.

19. To examine, inspect and settle complaints, fight corrupt and negative acts and handle illegal acts in the domains under its state management.

20. To act as the representative of the owner of state capital portions at enterprises with state capital under its management in accordance with regulations:

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 schemes after they are approved by the Prime Minister;

b/ To propose the Prime Minister to appoint and dismiss or to appoint and dismiss according

to its competence leaders, managers and chief accountants of these enterprises;

c/ To approve according to its competence or propose the Prime Minister to approve organization and operation charters of these enterprises.

21. To direct and organize the implementation of its administrative reform plans according to the state administrative reform program approved by the Prime Minister.

22. To manage its organizational apparatus and state payroll and decide on the appointment, re-appointment, rotation, dismissal, removal from office, and dispatch, and implement wage regulations and regulations and policies on preferential treatment, commendation and disciplining of cadres, public employees and civil servants under its management; to elaborate and organize the implementation of plans on professional training and retraining cadres, public employees and civil servants under its state management.

23. To elaborate its annual budget estimates and coordinate with the Ministry of Finance in elaborating and summing up budget revenue and expenditure estimates in the domains under its management for the Government to submit them to the National Assembly; to manage and organize the state budget settlement; to perform other tasks related to state budget, finance and assets in accordance with law.

24. To perform other tasks as assigned or authorized by the Government or the Prime Minister.

Article 3.- Organizational structure of the Ministry

1. The Social and Natural Science Department;
2. The Department of Science and Technology

for Economic and Technical Branches;

3. The Technology Assessment, Appraisal and Evaluation Department;

4. The High-Technology Department;

5. The Planning-Finance Department;

6. The International Cooperation Department;

7. The Legal Department;

8. The Organization and Personnel Department;

9. The Inspectorate;

10. The Office;

11. The Representative Agency in Ho Chi Minh City;

12. The Technology Application and Development Department;

13. The National Office of Intellectual Property of Vietnam;

14. The Vietnam Atomic Energy Commission;

15. The National Center for Scientific and Technological Information;

16. The Vietnam Agency for Radiation and Nuclear Safety and Control;

17. The Directorate for Standards and Quality;

18. The Management Board of Hoa Lac Hi-Tech Park;

19. The Scientific and Technological Strategy and Policy Institute;

20. The Office of State-Level Key Programs;

21. The Informatics Center;

22. The Science and Development newspaper;

23. The Scientific Activities magazine;

24. The Science and Technology Administration School.

Units defined in Clauses 1 thru 18 of this Article are organizations assisting the Minister in

performing the state management functions; units defined in Clauses 19 thru 24 of this Article are non-business organizations under the Ministry.

The Office, the Inspectorate, the Representative Agency in Ho Chi Minh City, the Department of Science and Technology for Economic and Technical Branches, the Planning-Finance Department, the Organization and Personnel Department and the International Cooperation Department may organize sections.

The Minister of Science and Technology shall propose the Prime Minister to promulgate decisions defining the functions, tasks, powers and organizational structures of the Directorate for Standards and Quality and the Management Board of Hoa Lac Hi-Tech Park and a list of other non-business organizations under the Ministry.

Article 4.- Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO" and replaces the Government's Decree No. 54/2003/ND CP of May 19, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Science and Technology, and Decree No. 28/2004/ND-CP of January 16, 2004, amending and supplementing a number of articles of Decree No. 54/2003/ND-CP. All previous regulations which are contrary to this Decree are annulled.

Article 5.- Implementation responsibility

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