

THE PRIME MINISTER**DECISION No. 115/2008/QĐ-TTg OF
AUGUST 27, 2008, PROMULGATING THE
REGULATION ON PUBLICITY OF THE
MANAGEMENT AND USE OF STATE
PROPERTY AT STATE AGENCIES,
PUBLIC NON-BUSINESS UNITS AND
ORGANIZATIONS ASSIGNED TO
MANAGE AND USE STATE PROPERTY****THE PRIME MINISTER**

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

*Pursuant to the November 29, 2005 Law on
Thrift Practice and Waste Combat;*

*Pursuant to the November 29, 2005 Anti-
Corruption Law and the August 4, 2007 Law
Amending and Supplementing a Number of
Articles of the Anti-Corruption Law;*

*Pursuant to the June 3, 2008 Law on
Management and Use of State Property;*

At the proposal of the Minister of Finance,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on publicity of the management and use of state property at state agencies, public non-business units and organizations assigned to manage and use state property.

Article 2.- This Decision takes effect 15 days after its publication in “CONG BAO.”

Article 3.- Ministers, heads of ministerial-level agencies, heads of government-attached agencies or other central agencies and presidents of provincial/municipal People’s Committees shall implement this Decision.

Prime Minister
NGUYEN TAN DUNG

**REGULATION ON PUBLICITY OF THE
MANAGEMENT AND USE OF STATE
PROPERTY AT STATE AGENCIES,
PUBLIC NON-BUSINESS UNITS AND
ORGANIZATIONS ASSIGNED TO
MANAGE AND USE STATE PROPERTY**

*(Promulgated together with the Prime Minister’s
Decision No. 115/2008/QĐ-TTg of August 27,
2008)*

Chapter I

GENERAL PROVISIONS

Article 1.- Subjects and scope of application of publicity of state property management and use

1. Subjects of application: state agencies, public non-business units, political organizations, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations (below collectively referred to as agencies, units and organizations),

which are assigned to manage and use state property.

The publicity of state property classified as state secrets, state property in agencies and armed forces units under the Ministry of Defense and the Ministry of Public Security, and property of overseas Vietnamese representative missions must comply with separate regulations of the Prime Minister.

2. Scope of application: The publicity of state property management and use under this Regulation applies to property of the following kinds: houses, architectures, construction works, vehicles, fixed (tangible) assets under the State’s regulations on management of fixed assets which are formed with the state budget or of state budget origin; aids, gifts and donations given by domestic and foreign organizations and individuals; state-owned assets as prescribed by law, which are assigned by the State to agencies, units and organizations for management and use.

Article 2.- Publicity principles

Adequate, timely and accurate information on property management and use must be publicized suitably to information suppliers and recipients in the forms specified in Article 3 of this Regulation.

Article 3.- Forms of publicity

1. The publicization of property management and use under this Regulation shall be conducted in the following forms:

- a/ Announcement at annual meetings of agencies, units or organizations;
- b/ Distribution of publications;
- c/ Public posting-up at working offices of agencies, units or organizations;

d/ Sending written notices to concerned agencies, units, organizations and individuals;

e/ Uploading onto websites;

f/ Notification on the mass media.

2. Based on the contents, objects, purposes and time of publicization and actual conditions of agencies, units and organizations assigned to manage and use state property, ministers, heads of ministerial-level agencies, government-attached agencies or central organizations (below collectively referred to as ministries and central agencies) and presidents of provincial-level People's Committees shall decide on the forms of publicity of the to-be-publicized contents specified in Articles 4, 5, 6, 7 and 8, applicable to agencies, units and organizations under their management, ensuring efficiency and thrift.

Chapter II

REGULATIONS ON CONTENTS OF PUBLICITY OF STATE PROPERTY MANAGEMENT AND USE

Article 4.- Publicity of regulations on state property management and use

1. Heads of agencies, units or organizations shall formulate and publicize regulations on state property management and use applicable to their agencies, units or organizations.

2. The contents specified in Clause 1 of this Article must be publicized within 30 days after the above regulations take effect.

Article 5.- Publicity of funds for and plans on procurement and furnishing of state property

1. Based on allocated state budget estimates, ministries, central agencies and People's Committees at all levels shall publicize the allocation of estimated funds for procurement and furnishing of state property to units under their management.

2. Based on allocated state budget estimates, agencies, units and organizations shall publicize cost estimates, quantity, kinds, and plans for and modes of procurement and furnishing of their state property and implementation results.

3. The contents specified in Clause 1 of this Article must be publicized within 30 days after the estimated funds for property procurement are approved by competent authorities; the contents specified in Clause 2 of this Article must be publicized within 30 days after completing the procurement and furnishing of state property.

Article 6.- Publicity of state property management and use

1. Agencies, units or organizations assigned to directly manage and use state property shall publicize the quantity and value of allocated state property (including the cost price and remaining value), forms and purposes of using property specified in Clause 2, Article 1 of this Regulation.

2. Units or organizations licensed to lease state property shall publicize the quantity and kinds of property, leasing modes and the management and use of revenues from such lease.

3. Those who are paid commissions, sales discounts or sales promotion money by property sellers or suppliers shall publicize the receipt and handling of such commissions, discounts or money

in accordance with law.

4. The to-be-publicized contents specified in Clauses 1 and 2 of this Article must be publicized annually, within 30 days after the end of a calendar year.

Article 7.- Publicity of replacement, liquidation, sale, transfer or other forms of ownership transformation of state property

Annually, within 30 days after the end of a calendar year, agencies, units or organizations assigned to directly manage and use property shall publicize the quantity, kinds and value of replaced, liquidated, sold, transferred or destroyed property, property subject to ownership transformation as well as relevant revenues and expenses according to regulations.

Article 8.- Publicity of management and use of aids, gifts and donations

Within 30 days after receiving assets being aids, gifts or donations, the receiving agencies and units shall publicize competent agencies' decisions to handle these assets and their own plans to use these assets and report them to superior managing agencies according to regulations.

Chapter III

REGULATIONS ON REPORTING ON PUBLICITY OF STATE PROPERTY MANAGEMENT AND USE

Article 9.- Reporting on state property management and use publicity and situation

1. Ministers, heads of central agencies and presidents of provincial-level People's Committees

shall direct the synthesis and publicization of data on the management and use of state property under their management and report on the publicity of state property management and use to the Ministry of Finance within 60 days after the end of a calendar year.

2. The Minister of Finance shall synthesize and publicize data on the management and use of state property by ministries, branches and central and local organizations nationwide, then report such to the Government for submission to the National Assembly within 90 days after the end of a calendar year.

3. The Minister of Finance shall specify forms of reports on the implementation of state property management and use publicity regulations and on the state property management and use situation.

Article 10.- Implementation inspection and supervision

1. Ministries, central agencies and People's Committees at all levels shall regularly inspect the publicity of state property management and use by units under their management.

2. Vietnam Fatherland Front Committees at all levels, socio-political organizations, mass organizations within agencies and units and people shall take part in supervising the publicity of state property management and use in accordance with this Regulation.

Article 11.- Questioning

1. Organizations, units and individuals that receive information on the publicity of state property management and use under this Regulation

may question agencies, organizations or units about such information.

2. The questioning must comply with the regulations on publicity and democracy exercise at the grassroots level, the law on complaints and denunciations and relevant provisions of law.

Article 12.- Answering questions

Persons in charge of publicizing state property management and use under this Regulation shall answer questioners' questions about the publicized contents within 30 days after receiving such questions.

For complicated questions which require much time for preparing answers, the time limit for answering may be extended for 15 days but such extension must be notified to questioners within 5 days after the expiration of the original time limit.

Answers to questions must be given directly or in writing to questioners.

Chapter IV

**ORGANIZATION OF
IMPLEMENTATION**

Article 13.- Handling of violations

For agencies, organizations, units or individuals that fail to strictly observe this Regulation's provisions on publicity of state property management and use, heads of those agencies or units and concerned individuals shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability according to law.

Article 14.- Implementation responsibilities

1. The Ministry of Finance shall assume the prime responsibility for, and coordinate with concerned ministries and branches in, guiding and examining ministries, central agencies and provincial-level People's Committees in organizing the implementation of this Regulation.

2. Ministers, heads of central agencies, presidents of provincial-level People's Committees, and heads of concerned agencies, organizations and units shall implement this Regulation.

**Prime Minister
NGUYEN TAN DUNG**