

Part I. LEGAL DOCUMENTS

THE GOVERNMENT

Decree No. 02/2010/ND-CP of January 8, 2010 on agricultural extension

THE GOVERNMENT

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

At the proposal of the Minister of Agriculture and Rural Development,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation and subjects of application

1. Scope of regulation

a/ Production, processing, preservation and consumption in agriculture, forestry, salt making, fishery, irrigation, agricultural electric engineering and rural trades;

b/ Rural agricultural services covering strains, plant protection, animal health, agricultural supplies, equipment, machines, farm instruments, irrigation and rural clean water and environmental sanitation.

Agricultural extension activities related to international programs, projects or treaties to which Vietnam is a contracting party comply with such international programs, projects or treaties.

2. Subjects of application

a/ Producers, including farmers engaged in small-scale production, commodity production and farmers of poor households; farm owners, members of cooperation teams or cooperatives; agricultural or forestry farm workers; and small- and medium-sized enterprises;

b/ Domestic and foreign agricultural extension organizations which carry out activities to assist farmers in production and business development in the fields mentioned in Clause 1, Article 1 of this Decree;

c/ Agricultural extension workers who carry out activities to assist farmers in production and business development in the fields mentioned in Clause 1, Article 1 of this Decree;

d/ Agencies functioning to perform the state management of agricultural extension.

Article 2. Objectives of agricultural extension

1. To raise production and business efficiency for producers to increase their incomes, escape from poverty and get rich, through training in production and business knowledge and skills and provision of services to assist farmers in carrying out effective production and business activities adapted to ecological, climate and market conditions.

2. To contribute to restructuring the agricultural economy towards commodity production, higher productivity and quality as well as food hygiene and safety, meeting domestic and export demands; to accelerate agricultural and rural industrialization and modernization, building a new-type countryside and ensuring national food security, socio-economic stability and environmental protection.

3. To mobilize resources from domestic and foreign organizations and individuals for agricultural extension.

Article 3. Principles for agricultural extension

1. To stem from farmers' demands and the State's agricultural development requirements.
2. To promote farmers' initiative and active role and voluntary participation in agricultural extension.
3. To ensure close association between managerial bodies, scientific research institutions, enterprises and farmers as well as among farmers.
4. To socialize agricultural extension and diversify agricultural extension services so as to mobilize resources from domestic and foreign organizations and individuals for agricultural extension.
5. To exercise democracy and publicity with community oversight.
6. To ensure that agricultural extension contents and methods are suitable to each region, each locality and target groups of farmers and different ethnic communities.

*Chapter II*CONTENTS OF AGRICULTURAL
EXTENSION**Article 4.** Training

1. Trainees

a/ Producers defined at Point a, Clause 2, Article 1 of this Decree, who have not yet participated in any state-funded vocational training programs;

b/ Agricultural extension workers defined at Point c, Clause 2, Article 1 of this Decree.

2. Contents

Providing producers with training in policies and law; training in and hand-down of trades to farmers in production skills and production and

business organization and management in the agricultural extension fields defined in Clause 1, Article 1 of this Decree; providing training for agricultural extension workers so as to raise their qualifications.

3. Forms

a/ Via demonstration models;

b/ Organization of short-term training courses, combining theory with practices;

c/ Through communications media, including newspapers, radio, leaflets and documents (books, CDs and DVDs);

d/ Through distance training programs on radio or television channels; establishing television channels exclusive for agriculture, farmers and rural areas; prioritizing training of farmers on television;

e/ Through agricultural extension websites;

f/ Organizing domestic and overseas surveys and study tours.

4. Organization of implementation

a/ The training of farmers and agricultural extension workers shall be undertaken by agricultural extension organizations defined at Point b, Clause 2, Article 1 of this Decree;

b/ Staff lecturers will be agricultural-extension specialists or officials of university or higher level, outstanding farmers and advanced model individuals who are experienced in production and business and have made contributions to society and communities and have been trained in agricultural extension skills.

Article 5. Information and propagation

1. To popularize the Party's undertakings and lines as well as the State's policies and laws through the mass media system and socio-political organizations.

2. To disseminate scientific and technological advances, advanced production and business models through the mass media system, agricultural extension reviews, documents, conferences, workshops, contests, fairs, exhibitions, forums and other forms of propagation; to publish and distribute agricultural extension publications.

3. To build up and manage data of the agricultural extension information system.

Article 6. Demonstration and model development

1. To build demonstration models on scientific and technological advances suitable to each locality, producers' demands and sector's orientations, and models on good production practices associated with product sale.

2. To build models on hi-tech application in agriculture.

3. To build models on effective and sustainable agricultural production and business organization and management.

4. To transfer scientific and technological results from demonstration models and advanced production models for wide application.

Article 7. Agricultural extension consultancy and services

1. Consultancy and services in the fields defined in Clause 1, Article 1 of this Decree, on:

a/ Policies and law concerning agricultural and rural development;

b/ Application of scientific and technological advances to organization and management in order to raise productivity, quality and food hygiene and safety, to reduce production costs and raise product competitiveness;

c/ Business start-up for owners of farms and

small- and medium-sized enterprises in the formulation of investment projects, seeking for production grounds, capital raising, labor recruitment, training, technology selection and market search;

d/ Product sale contracts, production and business insurance contracts;

e/ Provision of agricultural supplies.

2. Other consultancy and services for agricultural and rural development.

Article 8. International cooperation in agricultural extension

1. To participate in agricultural extension activities under international cooperation programs.

2. To exchange agricultural extension experiences with foreign organizations and individuals as well as international organizations under Vietnamese law.

3. To improve the capabilities and foreign language skills of agricultural-extension workers through international cooperation programs as well as domestic and overseas surveys and study tours.

Chapter III

AGRICULTURAL EXTENSION
ORGANIZATIONS

Article 9. Central agricultural-extension organization

1. The National Agricultural Extension Center is a public non-business unit under the Ministry of Agriculture and Rural Development.

2. The functions, tasks, powers and organizational apparatus of the National Agricultural Extension Center shall be defined by the Minister of Agriculture and Rural Development.

Article 10. Local agricultural extension organizations

1. Local agricultural extension organizations are stipulated as follows:

a/ At the provincial level (provinces and centrally run cities) are agricultural extension centers operating as public non-business units;

b/ At the district level (rural districts, urban districts and provincial cities and towns with agricultural production) are agricultural extension stations operating as public non-business units;

c/ At the communal level (communes, wards, townships with agricultural production) are agricultural extension cadres, with at least 2 per commune in difficulty-hit areas and at least 1 per commune elsewhere;

d/ In villages (villages, hamlets) are agricultural extension collaborators and clubs.

2. The functions, tasks, powers and organizational apparatuses of local agricultural extension organizations shall be defined by provincial-level People's Committee chairpersons.

Article 11. Other agricultural extension organizations

1. Other agricultural extension organizations include socio-political organizations, economic organizations, social organizations, professional organizations, scientific, educational and training organizations, professional associations and societies and domestic as well as foreign organizations and individuals participating in agricultural extension activities in the Vietnamese territory.

2. Other agricultural extension organizations shall realize agricultural extension contents under the provisions of this Decree and relevant law.

3. The functions, tasks, powers and organizational apparatuses of other agricultural

extension organizations shall be defined by their respective managing agencies or individuals.

Chapter IV

AGRICULTURAL EXTENSION POLICIES

Article 12. Policies on training in and hand-down of trades

1. For producers

a/ Farmers engaged in small-scale production and farmers in poor households will enjoy 100% support in training material costs, travel, accommodation and meals when participating in training;

b/ Farmers engaged in commodity production, farm owners, members of cooperation teams or cooperatives and agricultural or forestry farm workers will enjoy 100% support in training material costs and 50% support in travel, accommodation and meals when participating in training;

c/ Small- or medium-sized enterprises directly operating in the fields mentioned in Clause 1, Article 1 of this Decree will enjoy 50% support in training material costs when participating in training.

2. For agricultural extension activists

a/ To prioritize the training of female and ethnic minority agricultural extension workers;

b/ Agricultural extension workers salaried by the state budget will be provided with 100% support in expenses for training material, accommodation and meals when participating in training;

c/ Unpaid agricultural extension workers will be provided with 100% support in expenses for training material, travel, accommodation and meals when participating in trainings.

Article 13. Policies on information and

propagation

1. The State will provide 100% funding support for information and communication on agricultural extension activities of organizations and individuals with information and communication projects approved by competent authorities.

2. The State will provide 100% funding support for organization of agricultural extension contests, fairs, exhibitions and forums which are approved by competent authorities.

Article 14. Policies on building and widely developing demonstration models

1. Policy on support for building demonstration models

a/ Demonstration models in difficulty-hit areas or poor districts shall be provided with 100% support in costs of strains and essential supplies (including fertilizers, chemicals, cattle feeds and aquatic animal feeds);

b/ Demonstration models in midland or mountainous areas and sandbanks shall be provided with 100% support in costs of strains and 50% support in costs of essential supplies;

c/ Demonstration models in delta areas will be provided with 100% support in costs of strains and 30% support in costs of essential supplies;

d/ For models on agricultural mechanization, product preservation and processing, rural trades and salt making, the funding support for the purchase of tools, machines and equipment shall be provided at the levels of 100% for difficulty-hit areas and poor districts, no more than 75% for midland and mountainous areas as well as sandbanks, and not more than 50% for delta areas;

e/ Demonstration models on hi-tech application shall be provided with funding support at the level of not more than 30% of the total fund for model implementation.

2. Policy on development of models

100% funding support shall be provided for information, communication, advertisement and field conferences for development of models.

Article 15. Policies on encouragement of agricultural extension consultancy and service activities

1. Agricultural extension organizations and workers are entitled to participate in agricultural extension consultancy and services defined in Article 7 of this Decree and by law.

2. Agricultural extension organizations and workers shall be given priority in land lease to formulate and implement agricultural extension programs and projects, and are entitled to soft loans and tax exemption or reduction under current law.

Article 16. Regimes applicable to agricultural extension workers, grassroots agricultural extension cadres

1. Agricultural extension workers salaried by the state budget are entitled to current regimes when directing the implementation of agricultural extension projects.

2. Commune agricultural cadres will be salaried based on their training degrees, if they are commune public servants, or paid with allowances or wages based on their training degrees, as stipulated by provincial-level People's Committee chairpersons, if they are not commune public servants.

3. Commune agricultural extension cadres without training degrees and village agricultural extension collaborators will be paid remunerations prescribed by provincial-level People's Committee chairpersons.

Article 17. Policy on selection of agricultural

extension projects

1. Central agricultural extension projects funded by the state budget shall be selected through consideration and selection or bidding, as provided for by the Minister of Agriculture and Rural Development.

2. Local agricultural extension projects funded by the state budget shall be selected through consideration and selection or bidding, as provided for by chairpersons of People's Committees of the same level.

3. All agricultural extension organizations and workers are entitled to participate in bidding for and register for consideration and selection of agricultural extension projects funded by the state budget.

Chapter V

AGRICULTURAL EXTENSION FUNDS

Article 18. Agricultural extension funding sources

1. The central agricultural extension fund shall be formed from the following sources:

a/ Central budget allocations according to funding estimates of agricultural extension programs and projects approved by the Ministry of Agriculture and Rural Development;

b/ Performance of contracts on agricultural extension consultancy and services;

c/ Lawful donations and contributions of domestic and foreign organizations and individuals;

d/ Other lawful revenues prescribed by law.

2. Local agricultural extension funds comprise provincial, district, commune and village agricultural extension funds, which are created from the following sources:

a/ Local budget allocations according to estimates of agricultural extension programs and projects approved by provincial- or district-level People's Committees;

b/ Performance of contracts on agricultural extension consultancy or services;

c/ Lawful donations and contributions of domestic and foreign organizations and individuals;

d/ Other lawful revenues prescribed by law.

3. Funds of other agricultural extension organizations shall be created from the following sources:

a/ Their own capital;

b/ Partial state budget supports via agricultural extension programs and projects (central budget, local budget, international cooperation) approved by competent authorities;

c/ Performance of contracts on agricultural extension consultancy or services;

d/ Lawful donations and contributions of domestic and foreign organizations and individuals;

e/ Other lawful revenues prescribed by law.

Article 19. Use of agricultural extension funds

1. Central and local agricultural extension funds shall be allocated by the state budget according to funding estimates of agricultural extension programs and projects and be used for:

a/ The contents defined in Articles 4, 5, 6 and 8 of this Decree;

b/ Management expenses for agricultural extension projects, which shall be channeled from agricultural extension funds. Specific levels shall be set by the Ministry of Finance in coordination with the Ministry of Agriculture and

Rural Development;

c/ Purchase of copyrights and suitable new technologies, hire of domestic and foreign consultants in agricultural extension and hire of consultants to evaluate agricultural extension activities;

d/ Procurement of equipment in direct service of agricultural extension;

e/ Organization of surveys, study tours, workshops, contests, fairs, forums and exhibitions at home and abroad;

f/ Other expenditures for agricultural extension.

2. Revenues from agricultural extension consultancy and services shall be managed and used under current financial regulations by agricultural extension organizations that are public non-business units and agricultural extension workers of those organizations.

Article 20. Management of central and local agricultural extension funds

1. The central agricultural extension fund shall be used for agricultural extension activities managed and organized on a regional or national scale by the Ministry of Agriculture and Rural Development, which are conformable to the national strategy and planning on agricultural development. Central agricultural extension funding plans and estimates shall be summed up and included in annual budget estimates of the Ministry of Agriculture and Rural Development which shall submit them to the Government for further submission to the National Assembly for approval.

2. Local agricultural extension funds shall be used for agricultural extension activities managed and organized in localities by provincial-level People's Committees, which are conformable to

local strategies and planning on agricultural development. Local annual agricultural extension funding plans and estimates shall be submitted by the People's Committees to the People's Councils of the same level for decision in accordance with the State Budget Law.

3. The spending and settlement of central and local agricultural extension funds shall be based on agricultural extension programs and projects approved by competent authorities.

4. The management and use of non-budget agricultural extension funds shall be decided by agricultural extension organizations in accordance with this Decree and law

5. The Ministry of Finance shall coordinate with the Ministry of Agriculture and Rural Development in guiding in detail the order of creation, management and use of central and local agricultural extension funds.

Article 21. Funds for agricultural extension activities

1. Funds for agricultural extension activities (below referred collectively to as agricultural extension funds) shall be established from donations and voluntary contributions of domestic and foreign organizations and individuals.

2. Use and management of agricultural extension funds

a/ Organizations that establish such funds shall promulgate regulations on their management and operation in accordance with law;

b/ Agricultural extension funds shall be used for carrying out in timely and efficient manner agricultural extension activities defined in Article 4, 5, 6, 7 and 8 of this Decree;

c/ Agricultural extension organizations shall preserve and develop agricultural extension funds.

Chapter VI

ORGANIZATION OF IMPLEMENTATION

Article 22. Responsibilities of ministries and branches

1. The Ministry of Agriculture and Rural Development shall perform the state management of agricultural extension activities according to the following contents:

a/ To formulate and promulgate or propose competent authorities to promulgate agricultural extension strategies, legal documents and policies;

b/ To formulate and approve central agricultural extension programs, plans and projects and direct the implementation thereof;

c/ To professionally guide localities in agricultural extension activities;

d/ To cooperate with domestic and foreign organizations and individuals in attracting capital and resources for agricultural extension activities;

e/ To examine, inspect and settle complaints and denunciations in central agricultural extension activities;

f/ To manage the central agricultural extension fund;

g/ To monitor, inspect, assess and periodically report to the Prime Minister on the implementation of agricultural extension programs and projects nationwide.

2. Ministries, ministerial-level agencies and government-attached agencies shall, within the ambit of their respective tasks and powers, coordinate with the Ministry of Agriculture and Rural Development in performing the state management of agricultural extension activities under the regulations of the Government.

Article 23. Responsibilities of provincial-

level People's Committees

Provincial-level People's Committees shall perform the state management of agricultural extension activities in their respective localities according to the following contents:

1. To formulate and promulgate agricultural extension guidelines and policies suitable to local conditions.

2. To formulate, approve, and direct the implementation of, agricultural extension programs and projects in their respective localities.

3. To ensure capital sources for agricultural extension and the implementation of agricultural extension policies in their respective localities according to this Decree.

4. To mobilize domestic and foreign organizations and individuals to contribute resources to local agricultural extension activities.

5. To manage local agricultural extension funds.

6. To monitor, inspect, assess and biannually report to the Ministry of Agriculture and Rural Development on agricultural extension activities in their respective localities.

Article 24. Commendation and handling of violations

1. Organizations and individuals that record achievements in agricultural extension activities shall be commended according to law.

2. Organizations and individuals that breach the provisions of this Decree shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing damage, they shall pay compensations according to law.

3. Annually, the Ministry of Agriculture and Rural Development and provincial-level People's

Committees shall review and draw experience from agricultural extension activities.

Article 25. Complaints, denunciations

1. Individuals are entitled to complain about administrative decisions or administrative acts of state administrative agencies in accordance with the law on complaints and denunciations when they have grounds to believe that such decisions or acts are contrary to this Decree.

2. Individuals are entitled to denounce in accordance with the law on complaints and denunciations to competent agencies, organizations or individuals acts in violation of this Decree by other individuals or organizations.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 26. Effect

This Decree takes effect on March 1, 2010, and replaces the Government's Decree No.56/2005/ND-CP of April 26, 2005, providing for agricultural extension and fishery extension.

Article 27. Implementation responsibilities

1. The Ministry of Agriculture and Rural Development shall coordinate with concerned ministries and branches in guiding the implementation of this Decree.

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

On behalf of the Government
Prime Minister
NGUYEN TAN DUNG