

CIRCULAR

**GUIDING THE ESTABLISHMENT AND OPERATION REGISTRATION OF SCIENCE AND
TECHNOLOGY ORGANIZATIONS**

THE MINISTRY OF SCIENCE AND TECHNOLOGY

Pursuant to the June 9, 2000 Law on Science and Technology;

Pursuant to the Government's Decree No. 81/ 2002/ND-CP of October 17, 2002, detailing a number of articles of the Law on Science and Technology;

Pursuant to the Government's 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;

Pursuant to the Prime Minister's Decision No. 97/2009/QĐ-TTg of July 24, 2009, promulgating the list of domains in which individuals are allowed to establish science and technology organizations,

The Ministry of Science and Technology guides establishment conditions and operation registration procedures for science and technology organizations as follows:

Chapter I GENERAL PROVISIONS

Article 1. Scope of regulation and subjects of application

1. Scope of regulation:

This Circular guides establishment conditions and operation registration procedures for scientific research organizations, scientific research and technological development organizations and scientific and technological service organizations (below collectively referred to as science and technology organizations) of all economic sectors.

2. Subjects of application:

a/ Organizations and individuals establishing science and technology organizations, including foreign-invested research and development organizations established for non-profit purposes and foreign-invested scientific and technological service organizations.

b/ Organizations and individuals registering operation of science and technology organizations.

Article 2. Interpretation of terms

In this Circular, the terms below are construed as follows:

1. Science and technology organization established by individuals means an organization established by an individual or a number of individuals.

2. Representative office or branch of a science and technology organization:

a/ Representative office means a dependent unit of a science and technology organization that is tasked to represent under authorization and protect the interests of this organization.

b/ Branch means a dependent unit of a science and technology organization that is tasked to perform all or several functions of this organization, including the function to represent under authorization the

interests of this organization. The operation domains of a branch must correspond to those of the science and technology organization.

A representative office or branch of a science and technology organization is not entitled to the legal entity status.

3. Types of science and technology organization:

a/ Scientific research organizations and scientific research and technological development organizations, including institutes, centers, laboratories, research stations, observatories, testing stations and others.

b/ Scientific and technological service organizations, including centers, offices and others.

4. Registered scientific and technological operation domain means a domain specified in the establishment decision or the organization and operation charter of a science and technology organization, appraised or approved by a competent agency or organization, in line with the scientific and technological domains provided by law and the functions and tasks of this science and technology organization (including scientific research, technological development, experiment and trial production; manufacture of and trading in products created from research and development; and scientific and technological services).

Chapter II

ESTABLISHMENT CONDITIONS AND OPERATION REGISTRATION DOSSIERS FOR SCIENCE AND TECHNOLOGY ORGANIZATIONS

Article 3. Establishment conditions

A science and technology organization may obtain a scientific and technological operation registration certificate (below referred to as certificate) when it fully satisfies the conditions specified in Article 4 of the Government's Decree No. 81/2002/ND-CP of October 17, 2002, detailing a number of articles of the Law on Science and Technology (below referred to as Decree No. 81), which are shown in its registration dossier and specifically guided in Articles 4, 5 and 6 of this Circular.

Article 4. Operation registration application, operation objectives and orientations, establishment decision, and organization and operation charter

1. Operation registration application:

A science and technology organization shall make an application according to the form provided in Appendix I to this Circular (not printed herein).

2. Operation objectives and orientations:

a/ The operation objectives and orientations of a science and technology organization must not contravene Article 8 of the Law on Science and Technology and other relevant legal documents.

b/ For a science and technology organization with a managing agency or organization, its operation objectives and orientations must comply with the operation sectors and domains of such managing agency or organization.

3. Establishment decision:

a/ A science and technology organization established by a competent agency or organization must have an establishment decision under Article 5 of Decree No. 81.

b/ A science and technology organization established through cooperation or association must have an establishment decision made by a party being the agency or organization authorized by the other party to such cooperation or association.

d/ For science and technology organizations established by individuals:

- For an organization established by an individual: The establishment decision may be replaced by an operation registration application.

- For the organization established by two or more individuals: The establishment decision may be replaced by a meeting's minutes signed by the founders, which contains all fundamental details (organization and operation charter, registered capital, leading and managerial titles, and others).

4. Organization and operation charter:

a/ The charter of a science and technology organizations (except the case specified at Point b, Clause 4 of this Article) must contain all fundamental details specified in Appendix II.a to this Circular (not printed herein).

The organization and operation charter may be replaced with the organization and operation regulation promulgated by a competent state agency (for public science and technology organizations).

The organization and operation charter of a science and technology organization with a managing agency or organization shall be approved or promulgated by a competent agency or organization. The main functions and tasks defined in the charter must suit the operation branches and domains of such managing agency or organization.

Modification and supplementation of a charter shall be decided by the charter approving or promulgating agency or organization.

The charter of a science and technology organization established through cooperation or association shall be signed by the parties to such cooperation or association and approved by a party being an agency or organization authorized by the other party(ies).

b/ The (draft) charter of a science and technology organization established by individuals shall be made according to the form provided in Appendix II.b to this Circular (not printed herein).

Such (draft) charter shall be signed by founding individual(s) and appraised by the certificate-issuing agency before issuing a certificate and will take effect on the date of issuance.

The operation domains shall be indicated in the charter according to the Government-prescribed list of domains in which individuals are allowed to establish science and technology organizations.

d/ The charter must clearly indicate the name of the science and technology organization. Such name must fully satisfy the following conditions:

- The Vietnamese name reflects the type of organization and the main operation domains.

In addition, the Vietnamese name of a science and technology organization may consist of the official name and/or the geographical name of the head office of such organization.

Name in a foreign language: If a science and technology organization has its name in a foreign language, this name must be the corresponding translation from the Vietnamese name.

Abbreviated name: If a science and technology organization has an abbreviated name (in Vietnamese or a foreign language), such abbreviated name must consist of the initials of the words being the main constituents of such name (phrase).

- The name (including abbreviated name) of a science and technology organization without a managing agency or organization must not be identical with that of another organization already registered at the same certificate-issuing agency.

A science and technology organization shall take accountability for selecting its name (including the full name in Vietnamese and a foreign language and abbreviated name), ensuring that such name does not infringe upon intellectual property rights of organizations and individuals protected in Vietnam.

Article 5. Scientific and technological staff

1. Number of staff members:

Each science and technology organization must have at least 5 staff members possessing university or higher degree, at least 20% of them have professional qualifications in any of the main operation domains to be registered and at least 40% of them work on a full-time basis.

A science and technology organization established and operating in an area hit by socioeconomic difficulties or extreme socio-economic difficulties must have at least 4 staff members possessing collegial or higher degree, at least one of them has professional qualifications in any of the main operation domains to be registered and at least one of them works on a full-time basis.

2. Full-time and part-time staff members:

a/ Science and technology organizations established by competent state agencies each shall make a list of staff members according to the form provided in Appendix III to this Circular (not printed herein) and have it certified by the establishment-deciding agency or managing agency .

b/ For science and technology organizations established by those other than competent state agencies, in addition to a list of staff members, the following documents are required:

- For a full-time staff member:

+ A written request for working on a full-time basis, made according to the form provided in Appendix IV to this Circular (not printed herein).

+ Lawfully certified copies of training diplomas.

+ A resume certified by the administration of the locality where he/she resides or by the agency or organization where he/she works before moving to work for the science and technology organization. For a full-time staff member being a foreigner, a written certification of his/her legal status made by the country in which he/she is a citizen is required.

When necessary, the certificate-issuing agency may request production of original papers related to the dossier of such member (e.g., retirement decision, decision on job change, diplomas and certificates, etc.).

- For a part-time member:

+ A written request for working on a part-time basis, made according to the form provided in Appendix V to this Circular (not printed herein).

+ Lawfully certified copies of training diplomas.

+ A lawfully certified resume. For a part-time staff member being a foreigner, a written certification of his/her legal status made by the country in which he/she is a citizen is required.

+ For an individual working on a full-time basis at an agency or organization, a written permission for working on a part-time basis, made by the head of the agency directly managing this individual, is required.

3. Heads of science and technology organizations:

a/ The head of a science and technology organization shall take responsibility before law for all activities of the organization and must possess a university or higher degree.

The head of a national-, ministerial- or provincial-level science and technology organization or a science and technology organization being an institute must possess a doctoral or higher degree.

b/ In addition to the provisions at Point b. Clause 2 of this Article, the head's dossier must comprise:

- An appointment decision made by a competent agency or organization, except organizations established by individuals.

- Documented scientific backgrounds, made according to the form provided in Appendix VI to this Circular (not printed herein), certified by a competent agency or organization.

- For science and technology organizations established by individuals, scientific backgrounds shall be declared by individuals who shall take accountability before law for their declaration.

c/ The head of a science and technology organization established by individuals shall work on a full-time basis.

4. Cadres, civil servants and public employees joining non-public science and technology organizations shall comply with the law on cadres, civil servants and public employees.

Article 6. Physical and technical foundations

1. Conditions on physical and technical foundations:

Physical and technical foundations of a science and technology organization may include workshops, laboratories, machinery and equipment, intellectual assets and other physical and technical facilities for its operation, and capital in cash.

a/ Registered capital: A science and technology organization shall register its operation capital in cash or cash-equivalent value of its physical and technical foundations.

The registered capital must be at least VND 200 million.

b/ The head office is a separate workplace for transactions and contact and shall be based within the Vietnamese territory.

The head office must have a specific address, including house number, name of street (lane) or names of commune, ward or township, district, town or provincial city, and province or centrally run city; telephone number, fax number and email address (if any).

The head office of a science and technology organization being an institute must have an area of at least 25 nr.

2. List of physical and technical foundations:

a/ A science and technology organization established by a competent state agency must make a list of physical and technical foundations according to the form provided in Appendix VII to this Circular (not printed herein) and have it certified by the establishment-deciding agency or managing agency.

b/ For science and technology organizations not defined at Point a. Clause 2 of this Circular, in addition to a list of physical and technical foundations, the following documents are required:

- Commitment to contributing capital (cash, assets, etc.), made by each individual/party to cooperation or association.

- Documents of title of capital amounts committed to be contributed.

- Minutes of the meeting of the founders/ parties to cooperation or association, indicating the agreed value of assets or foreign currencies converted into Vietnam dong. or documents certifying the lawful asset value.

- When necessary, the certificate-issuing agency may request the science and technology organization to have their assets valued and certified by a qualified asset valuation agency, organization or enterprise.

3. Dossier on the head office:

The dossier on head office must comprise either of the following papers:

a/ A lawfully certified copy of the paper evidencing the science and technology organization's land/house ownership or use rights, for the place where the head office is based.

b/ A lawfully certified copy of the contract on the rent or borrowing of the place for the head office, enclosed with a paper evidencing the lessor's or lender's land/house ownership or use rights.

Chapter III

OPERATION REGISTRATION AND DISSOLUTION OF SCIENCE AND TECHNOLOGY ORGANIZATIONS

Article 7. Decentralization of registration of scientific and technological operation

A science and technology organization shall register its operation at the Ministry of Science and Technology or a provincial-level Science and Technology Department of the locality where it is headquartered according to the decentralization specified in Clause 2. Article 6 of Decree No. 81. Specifically:

1. Science and technology organizations which shall register their operation at the Ministry of Science and Technology include:

- Research and development organizations established by the Government.
- Research and development organizations established under decisions of the Prime Minister or of ministers or provincial-level People's Committee chairpersons as authorized by the Prime Minister.

The above research and development organizations include research and development organizations named in the decrees defining the functions and tasks of ministries; research and development organizations on the lists of other non-business organizations of ministries as decided by the Prime Minister; and research and development organizations established under decisions of ministers or provincial-level People's Committee chairpersons as authorized in writing by the Prime Minister.

- Research and development organizations established under decisions of the National Assembly, the Supreme People's Court or the Supreme People's Procuracy.
- Research and development organizations established under decisions of central-level political organizations or socio-political organizations.
- Foreign-invested science and technology organizations.

2. Science and technology organizations not defined in Clause 1 of this Article shall register their operation at provincial-level Science and Technology Departments of localities where they are headquartered.

Article 8. First-time registration of operation and registration for modification, supplementation or re-issuance of certificates

1. Registration procedures:

a/A science and technology organization shall submit an operation registration dossier to the certificate-issuing agency according to the decentralization specified in Article 7 of this Circular; and pay charges and fees under the Finance Ministry's Circular No. 187/2009/TT-BTC of September 29.2009, prescribing the rates and collection, remittance, management and use of the charge for the appraisal of scientific and technological operation conditions and the fee for the grant of scientific and technological operation registration certificates.

b/ In the course of appraising a registration dossier, when necessary, the certificate-issuing agency may:

- Collect opinions of experts on the dossier and assessing the capacity of the science and technology organization; and organize a meeting to reach agreement on the details to be indicated in the certificate.
- Directly sharing opinions with the science and technology organization's representative to clarify such details as name, charter, operation domains and other relevant matters in the registration dossier of such organization.
- Collect written opinions of concerned agencies and organizations on the domains subject to conditional operation under the State's specific regulations.

- Inspect the physical and technical foundations of the science and technology organization.

c/ Within 15 working days after receiving a valid dossier, the competent agency shall examine the dossier and issue a certificate to the science and technology organization. In case of refusal, it shall give a written reply clearly stating the reason.

A certificate shall be issued according to the forms provided in Appendices IX and X to this Circular (not printed herein).

A certificate issued to a science and technology organization established by individuals must indicate the operation domains according to the Prime Minister-prescribed list of domains in which individuals are allowed to establish science and technology organizations.

2. First-time registration of operation:

A science and technology organization shall submit to the certificate-issuing agency under Chapter II of this Circular an operation registration dossier which comprises an application for operation registration, the establishment decision, the organization and operation charter (or draft charter, for organizations established by individuals), dossiers on staff members and the head, and dossiers of the head office and physical and technical foundations.

3. Registration for modification, supplementation or re-issuance of a certificate:

a/ In case of modification or supplementation of one or more details in a certificate (except the case specified at Point b, Clause 3 of this Article), a dossier comprises:

- An official letter of the head of the science and technology organization, clearly indicating the details to be modified or supplemented.

- Documents concerning the details to be modified or supplemented, including:

+ Decision of a competent agency or organization or of the authorized party to cooperation or association, or the founders meeting's minutes on the change or addition of the operation domains of the science and technology organization.

+ Decision of a competent agency or organization or of the authorized party to cooperation or association, or the founders meeting's minutes on the renaming of the science and technology organization.

+ A lawfully certified copy of the decision to rename or replace the establishment-deciding agency or managing agency of the science and technology organization.

+ The head's dossier (under Article 5 of this Circular).

+ The dossier on registered capital (under Article 6 of this Circular).

+ The dossier on the head office (under Article 6 of this Circular).

- An operation report, made according to the form provided in Appendix XII to this Circular (not printed herein), up to the time of registration for certificate modification or supplementation.

- The issued original certificate.

When registering the modification or supplementation of any detail in the certificate, the science and technology organization must still satisfy the essential conditions specified in Articles 4, 5 and 6 of this Circular.

b/ When a science and technology organization has its establishment-deciding agency replaced or its head office relocated (moved to a province or centrally run city other than the locality where it has registered operation), resulting in the replacement of the certificate-issuing agency, it shall send a written request to the agency which has issued the certificate, enclosed with an operation report, and return the original certificate. Within 15 working days, the certificate-issuing agency shall certify in writing that the science and technology organization has completed procedures.

The science and technology organization shall submit a dossier to the new certificate-issuing agency,

which comprises:

- The head's written request for modification of relevant details.
- Registration dossier documents, as for first-time registration under Articles 4, 5 and 6 of this Circular.
- A lawfully certified copy of the issued certificate.

The written certification made by the agency which has issued the old certificate.

Information on the old certificate (number, date and agency of issuance) shall be written in the new certificate to ensure the science and technology organization's continuous operation.

c/ Registration for certificate re-issuance:

- When its certificate is lost, a science and technology organization shall register for certificate re-issuance after declaring such loss to the police office of the locality where the certificate is lost and announce such loss at least thrice in the mass media.

Within 30 days after the final announcement, the science and technology organization shall submit a dossier of registration for certificate reissuance, which comprises:

- + The head's written request for certificate re-issuance.
- + The police office's certification.
- + The press agency's receipt of the announcement or the newspaper in which the announcement is published.
- When its certificate is ragged or torn or expires, a science and technology organization may register for certificate re-issuance. A dossier of registration for certificate re-issuance comprises:
 - + The head's written request for certificate re-issuance.
 - + The original certificate.

Article 9. Revocation and cancellation of a certificate

1. A certificate shall be revoked or cancelled in any of the following cases:

- a/ The science and technology organization fails to commence its operation 12 months after obtaining the certificate.
- b/ The science and technology organization ceases operation for over 12 consecutive months without a plausible reason, or even fails to report on its operation to the certificate-issuing agency twice for 5 consecutive years.
- c/ The science and technology organization is detected to have forged information in its operation registration dossier; in the course of operation, it no longer has sufficient staff members or minimum registered capital under Articles 5 and 6 of this Circular for 12 consecutive months.
- d/ The science and technology organization fails to carry out re-registration procedures within the time limit notified by the certificate-issuing agency.
- e/ As decided or requested by competent agencies when the science and technology organization commits violations during operation.

2. The certificate-issuing agency shall decide to revoke certificates of science and technology organizations which violate Clause 1 of this Article.

If unable to contact the science and technology organization in question, the certificate-issuing agency may request in writing the administration of the locality where the science and technology organization is headquartered to provide information on such organization. After 2 months, if not receiving feedback from the local administration, the certificate-issuing agency shall decide to cancel the issued certificate.

3. The certificate-issuing agency shall notify in writing the certificate revocation or cancellation to the police office, local administration and tax office and on its website and announce such revocation or cancellation on a central or local daily in 3 consecutive issues.

Article 10. Dissolution of a science and technology organization

1. A science and technology organization shall be dissolved in the following cases:

a/ Under a dissolution decision of the agency or organization having established the science and technology organization (for science and technology organizations with managing agencies or organizations).

b/ Under a decision of the head or founding members (for science and technology organizations established by individuals).

c/ Under a decision of the parties to association or cooperation (for science and technology organizations established through cooperation or association).

d/ Its certificate is revoked or cancelled.

2. A science and technology organization must have the dissolution decision issued by a competent agency or organization, which clearly states the reason for dissolution and measures to guarantee benefits of related persons.

3. A dissolved science and technology organization shall perform the following jobs:

a/ Within 7 working days after a dissolution decision is issued, it shall send this decision to the certificate-issuing agency, persons with related rights, obligations and benefits and its staff members; and concurrently post up such decision at its head office and publish it on a central or local daily in 3 consecutive issues.

b/ Within 60 days after obtaining the dissolution decision, it shall:

- Completely terminate labor contracts and work contracts with its staff members.
- Completely settle the signed contracts.
- Fulfill all financial obligations and pay all debts (if any).

c/ When carrying out dissolution procedures, in addition to the provisions of Points a and b. Clause 3 of this Article, the science and technology organization established by individuals or established through cooperation or association shall comply with its organization and operation charter.

d/ Within 7 working days after completing dissolution procedures, the science and technology organization shall send a report on such completion to the certificate-issuing agency, return its certificate to the agency which has issued it (unless the certificate has been revoked or cancelled) and return its seal to the police office of the place where it is engraved.

Chapter IV

REPRESENTATIVE OFFICES AND

BRANCHES OF SCIENCE AND TECHNOLOGY ORGANIZATIONS

Article 11. Establishment conditions and operation registration for representative offices and branches of science and technology organizations

1. Establishment conditions for a representative office or branch:

a/ The name of a representative office or branch must consist of the name of the science and technology organization followed by "representative office" or "branch", including the name in a foreign language and abbreviated name.

b/ The operations of a representative office or the operation domains of a branch must correspond to those of the science and technology organization.

c/ A representative office must have at least 2 staff members possessing a collegial or higher degree, while a branch must have at least 3 staff members holding university or higher degree, at least one of them has professional qualifications in the main domain to be registered. The head of a representative office or branch must possess a university or higher degree and shall work on a full-time basis at that representative office or branch.

d/A representative office or branch must have its head office like a science and technology organization under Article 6 of this Circular.

2. First-time registration of operation, registration for certificate modification or supplementation, re-registration or termination of operation of a representative office or branch:

a/ First-time registration of operation:

A dossier comprises:

- An application for operation registration, made according to the form provided in Appendix VIII to this Circular (not printed herein).
- The representative office or branch establishment decision.
- Dossier on the head of the representative office or branch, which is the same as that for the head of a science and technology organization under Article 5 of this Circular.
- Dossiers on staff members and the head office of a representative office or branch, which are the same as those for a science and technology organization under Articles 5 and 6 of this Circular.
- A lawfully certified copy of the certificate of the managing science and technology organization.

Within 15 working days after receiving a complete and valid dossier, the provincial-level Science and Technology Department shall issue an operation certificate to the representative office or branch, made according to the form provided in Appendix XI to this Circular (not printed herein). In case of refusal, it shall give a written reply clearly stating the reason.

Within 15 working days after obtaining a representative office or branch operation certificate, the science and technology organization shall send a copy thereof to the agency which has issued the science and technology organization's certificate for adding it to the dossier.

b/ Registration for certificate modification or supplementation:

When wishing to modify or supplement one or more details in its operation certificate or when its operation certificate is lost, dragged or torn or expires, a representative office or branch shall register for certificate modification, supplementation or re-issuance with the provincial-level Science and Technology Department of the locality where it is headquartered as for a science and technology organization under Article 8 of this Circular.

When registering for the modification or supplementation of any detail in its operation certificate, a representative office or branch must still satisfy the essential conditions specified in Article 11 of this Circular.

c/Termination of operation of a representative office or branch:

- Within 15 working days after obtaining a decision to terminate the operation of its representative office or branch, the science and technology organization shall send a dossier to the provincial-level Science and Technology Department which has issued the operation certificate. The dossier comprises:

- + The science and technology organization's notice of the termination of operation of its representative office or branch.
- + A lawfully certified copy of the decision to terminate the operation of the representative office or branch.

+ The original operation certificate of the representative office or branch.

- Within 7 working days after receiving a complete dossier, the provincial-level Science and Technology Department shall send to the science and technology organization a written certification of the submission of the certificate by its representative office or branch and notify concerned agencies of the termination of the operation of such representative office or branch.

d/ When the science and technology organization's certificate is revoked or cancelled, the certificate-issuing organization or agency shall request in writing the agency which has issued an operation certificate to the representative office or branch to revoke or cancel such operation certificate.

3. A science and technology organization's representative office or branch shall register its operation with the provincial-level Science and Technology Department of the locality where it is headquartered; and pay charges and fees under the law on charges and fees.

Article 12. Revocation or cancellation of the operation certificate of a representative office or branch

1. The operation certificate of a representative office or branch shall be revoked or cancelled in the following cases:

a/ The representative office or branch fails to operate 12 months after obtaining the operation certificate.

b/ The representative office or branch ceases its operation for over 12 consecutive months without a plausible reason.

c/ The information declared in the representative office's or branch's operation registration dossier is detected as falsified; in the course of operation, the representative office or branch no longer has a minimum staff required under Article 11 of this Circular for 12 consecutive months.

d/ As decided or requested by competent agencies when the representative office or branch commits violations during operation.

e/ The managing science and technology organization's certificate is revoked or cancelled.

2. The provincial-level Science and Technology Department shall decide to revoke or cancel the operation certificate already issued to the representative office or branch in the cases specified in Clause 1 of this Article and notify such revocation or cancellation to concerned agencies.

Chapter V

RESPONSIBILITIES OF AGENCIES ISSUING SCIENTIFIC AND TECHNOLOGICAL OPERATION REGISTRATION CERTIFICATES, MANAGING AGENCIES AND SCIENCE AND TECHNOLOGY ORGANIZATIONS

Article 13. Responsibilities of certificate-issuing agencies

1. Responsibilities of the Ministry of Science and Technology:

a/ To issue certificates to science and technology organizations according to its competence.

b/ To provide provincial-level Science and Technology Departments with professional guidance on the issuance of certificates.

c/ To monitor and inspect the operation of science and technology organizations based on details in the certificates it has issued, handle or propose competent agencies to handle violations under law.

d/ To publicly post on its website the list of science and technology organizations possessing valid certificates and remove from this list science and technology organizations with revoked or cancelled certificates.

2. Responsibilities of provincial-level Science and Technology Departments:

a/ To issue certificates to science and technology organizations and operation certificates to representative offices and branches according to their competence.

b/ To monitor and inspect the operation of science and technology organizations and representative offices and branches based on the details in the certificates or operation certificates they have issued, handle or propose competent agencies to handle violations under law.

c/ To report to the Ministry of Science and Technology on the issuance of certificates to science and technology organizations and operation certificates to representative offices and branches regularly (in November) or upon request.

d/ To publicly post on their websites:

The list of science and technology organizations possessing valid certificates and remove from this list science and technology organizations with revoked or cancelled certificates.

The list of representative offices and branches possessing valid operation certificates and remove from this list representative offices and branches with revoked or cancelled operation certificates.

Article 14. Responsibilities of managing agencies or organizations and science and technology organizations

1. Responsibilities of agencies or organizations managing science and technology organizations:

a/ To promulgate or approve organization and operation charters of science and technology organizations under this Circular.

b/ To manage science and technology organizations according to their competence.

c/ To coordinate with functional agencies in handling or dissolving under law science and technology organizations which commit violations during operation.

2. Responsibilities of a science and technology organization:

a/ To take responsibility before law for all information declared in its operation registration dossier.

b/ To announce its establishment and operation registration on a central daily or a daily of the locality where it is headquartered in 3 consecutive issues; send a receipt of such publication announcement to the certificate-issuing agency within 15 working days after obtaining the certificate.

c/ To display a signboard of at least 30 cm x 50 cm of its own (or of its representative office or branch) at its head office (or the place of its representative office or branch) within 15 days after obtaining the certificate (or operation certificate).

d/ To report annually or extraordinarily upon request on its operation to the certificate-issuing agency. A science and technology organization with its representative office(s) or branch(es) shall concurrently send a report, made according to the form provided in Appendix XII to this Circular (not printed herein), to the provincial-level Science and Technology Department which has issued the operation certificate(s) to such representative office(s) or branch(es).

e/ To operate in the domains indicated in the issued certificate; and register for certificate modification, supplementation or re-issuance under regulations.

f/ To obtain written permission of relevant competent state management agencies before conducting operations in branches, trades or domains subject to conditional operation.

g/ For science and technology organizations operating in the domains in which establishment conditions are already specified in documents issued by agencies with higher competence (the National Assembly, the Government or the Prime Minister), such documents shall be complied with.

Chapter VI

ORGANIZATION OF IMPLEMENTATION

Article 15. Implementation responsibility

1. Certificate-issuing agencies shall review all issued certificates. When an issued certificate contains details incompliant with this Circular, the certificate-issuing agency shall notify in writing such incompliance to the science and technology organization for carrying out procedures to register for

certificate renewal, modification or supplementation.

Past the notified time limit, if the science and technology organization concerned fails to carry out registration procedures under this Circular, the certificate-issuing agency shall carry out procedures for canceling its certificate under regulations.

Certificates with a specified validity term issued by the Ministry of Science and Technology or provincial-level Science and Technology Departments continue to be effective till the end of such term. Upon the end of this term, science and technology organizations shall submit dossiers of request for certificate renewal under Point c. Clause 3, Article 8 of this Circular.

In the course of receiving and appraising registration dossiers, provincial-level Science and Technology Departments shall report matters which should be appraised by central agencies to the Ministry of Science and Technology for consideration and settlement.

Article 16. Effect

This Circular takes effect 45 days from the date of its signing and replaces the Science and Technology Ministry's Circular No. 10/2005/TT-BKHCH of August 24. 2005, guiding the establishment conditions and operation registration for science and technology organizations.

Any problems arising in the course of implementation should be promptly reported in writing to the Ministry of Science and Technology for consideration and settlement.-

FOR THE MINISTER OF SCIENCE AND TECHNOLOGY

DEPUTY MINISTER

NGUYEN QUAN