

**REGULATIONS  
ON THE OPERATION OF FOREIGN NON-GOVERNMENTAL  
ORGANIZATIONS IN VIETNAM  
(Promulgated in accordance with Decision No. 340/TTg dated 24  
May, 1996 of the Prime Minister)**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1**

Foreign Non-Governmental Organizations, hereinafter referred to as NGOs, to be allowed to conduct development, humanitarian assistance activities in Vietnam which are not for profit or other purposes shall require permission by the Government of Vietnam in the forms of: Permit for Operation, Permit for the Establishment of Project Office or Permit for the Establishment of Representative Office.

**Article 2**

NGOs shall be considered for Permit for Operation when meeting the following conditions:

- 1- Have legal person status according to the laws of their countries of origin or of the countries where their headquarters are based.
- 2- Have clear statutes, mandates and objectives.
- 3- Have conducted or plan to conduct development and humanitarian projects and/or programs in Vietnam which are in line with the socio-economic development policies of the Vietnamese State; be committed to abide by Vietnamese laws and to respect the traditional customs and habits of Vietnam.

**Article 3**

NGOs shall be considered for Permit for the Establishment of Project Office when meeting the following conditions:

- 1- Meet the requirements in Clause 1, Clause 2 of Article 2 of the present Regulations.

2- Have projects and/or programs already approved by competent authorities of Vietnam and their scope and nature require regular, on-site administration and supervision.

**Article 4**

NGOs shall be considered for Permit for the Establishment of Representative Office in Hanoi when meeting the following conditions:

1- Meet the requirements in Clause 1 and Clause 2 of Article 2 of the present Regulations.

2- Have conducted effective assistance programs and/or projects in Vietnam for at least 2 years.

3- While operating in Vietnam, always abide by the laws, traditional customs and habits of Vietnam.

4- Have feasible long-term (two years or more) assistance projects and/or programs in Vietnam having been approved by the competent authorities of Vietnam.

**Article 5**

The agency authorized to consider the issuance, extension, amendment or withdrawal of the above-mentioned Permits shall be the Committee for Non-Governmental Organization Affairs (hereinafter referred to as the Committee). The standing body for foreign non-governmental affairs of the Committee shall be the Vietnam Union of Friendship Organizations (hereinafter referred to as Union).

**CHAPTER II  
PROCEDURES FOR ISSUANCE, EXTENSION, AMENDMENT  
AND WITHDRAWAL OF PERMITS**

**Article 6**

a) Documents in application for Permit for Operation in Vietnam shall include:

1- Application letter signed by the leader of the NGO in Vietnamese and in English (or French) sent to the Committee, addressing the following main questions:

- Full name of the organization, address of the headquarters;
- Mandate and objectives;
- Background of the organization;
- Financial sources and budget;
- Programs, projects and plan of activities in Vietnam;

2- Statutes of the NGO.

3- Document certifying the NGO's legal person status issued by a competent authority of the country where the organization is established or headquartered, or a notarized copy.

b) Documents in application for Permit for the Establishment of Project Office shall include, apart from those stated in Clause a of this Article:

1- A clear statement in the application letter of the reason for the establishment of the Project Office; intended location of the Project Office; number of expatriates and Vietnamese staff needed for the operation of the Office.

2- Program and/or project documents which have been approved by competent authorities of Vietnam.

3- Curriculum vitae of the person intended to be the Chief of the Project Office.

### **Article 7**

Documents in application for Permit for the Establishment of Representative Office in Hanoi shall include, apart from those stated in Clause a of Article 6 of the present Regulation:

1- A clear statement in the application letter of the reason for the establishment of the Representative Office; intended number of expatriates and Vietnamese staff needed for the Representative Office.

2- Annual reports of activities in Vietnam of at least the latest two years.

3- Program and/or project documents having been approved by competent authorities of Vietnam.

4- Curriculum vitae of the person intended to be appointed as the Representative; introduction to the post by the leader of the NGO.

### **Article 8**

After receipt of proper documents, within thirty (30) days for Permit for Operation, sixty (60) days for Permit for the Establishment of Project Office; ninety (90) days for Permit for the Establishment of Representative Office, the Committee shall inform the concerned NGO of the result.

### **Article 9**

The term of a first Permit shall:

- Be not more than six months for Permit for Operation for NGOs coming to conduct appraisals and design projects and/or programs.
- Be not more than one year for Permit for Operation for NGOs having been conducting aid programs and/or projects in Vietnam.
- Be not more than two years for Permit for Project Office.
- Be not more than three years for Permit for Representative Office.

If there is a need for extension, NGOs shall have their application sent to the Committee at least thirty (30) days prior to the expiry of the Permit. The term of each extension shall not exceed that of the first Permit.

### **Article 10**

Within thirty (30) days as of the issuance or extension of Permit, NGOs shall have to complete registration procedures with the People's Committees of relevant provinces or centrally-administered cities.

### **Article 11**

NGOs wishing to amend the issued Permit, such as changes of related to appellation, location of the Project Office or Representative Office, Chief of the Project Office or Chief Representative, size of the

staff and modification of scope and content of activities, shall have their application sent to the Committee and co-concern the People's Committees of the provinces or centrally-administered cities where they operate or their Project Office or Representative Office is based.

Within thirty (30) days as of receipt of the application, the Committee shall respond to the concerned NGOs in writing;

### **Article 12**

Project Offices, Representative Offices and NGOs with Permit for Operation shall terminate their activity in the following cases:

1- Expiry of Permit

2- Decision of withdrawal of Permit by the Committee as stipulated in Clause b of Article 17 of the present Regulations.

A Permit for the Establishment of Project Office shall by nature terminate upon termination of the assistance program and/or project. A Permit for the Establishment of Representative Office shall likewise by nature terminate when nothing is left of the activities stated by the NGO in the Application for Representative Office.

Within thirty (30) days as of the date of expiry of the Permit, or receipt of advice on the termination of operation, NGOs shall have to settle all questions concerning office, housing, employees, working facilities, debt repayment (if any) and other issues related to institutions and individuals in Vietnam.

## **CHAPTER III RIGHTS AND OBLIGATIONS OF NGOS IN VIETNAM**

### **Article 13**

Operations of NGOs in Vietnam shall, in terms of contents and scope, abide by stipulations in the issued Permit.

### **Article 14**

The Chief Representative of a Representative Office, the Chief of a Project Office or the authorized person(s) of NGOs for the operation in

Vietnam (in case of Permit for Operation) shall be accountable for all and every activity of the NGO in Vietnam.

Every three (3) months, the person(s) authorized by the NGO to be its Representative(s) or Chief of Project Office, every six (6) months, the Chief Representative of Representative Office shall report in writing to the Committee on the operation of the NGO in Vietnam, and shall report, and provide documentation or explanation on matters related to the operation of the NGO to the Committee whenever requested.

Upon completion of a project or fiscal year, NGOs shall have a final report sent to the Committee, the project holder agency (Ministry, line agency, central office of people's organization, People's Committee of Province or centrally-administered city).

#### **Article 15**

a) Upon receipt of a Permit for the Establishment of Project Office or Representative Office, NGOs shall be entitled to rent office, and housing and to employ Vietnamese citizens to work at the Office according to stipulations by the Law of Vietnam.

b) Expatriate Representatives and staff of NGOs (with assistance programs and/or projects implemented in Vietnam) shall be entitled to open expenditure bank accounts (in foreign currencies or in Vietnam Dong with foreign currency rooting) at banks established and operating in keeping with the Law of Vietnam.

c) The importation into Vietnam of necessary office equipment and supplies, vehicles and spare parts, personal belongings to meet working and living needs of the Representative Office and its expatriate staff shall abide by the current regulations of Vietnam.

### **CHAPTER IV IMPLEMENTATION PROVISIONS**

#### **Article 16**

Representative Offices the establishment of which has been permitted by the Government of Vietnam prior to the issuance of the present Regulations shall not be subject to reconsideration or re-approval, but shall amend, finalize and submit the required documents

within sixty (60) days as of the date the present Regulations come into force and shall abide by the stipulations of the present Regulations.

NGOs having started their operation in Vietnam prior to the issuance of the present Regulations, within sixty (60) days as of the date the present Regulations come into force, apply for a Permit for Operation, or they shall have to terminate their operation.

Working bodies of NGOs operating in Vietnam with an office and staff but without permit from the Government of Vietnam shall, within sixty (60) days as of the date the present Regulations come into force, follow procedures to apply for the establishment of a Project Office or Representative Office in conformity with the stipulations of the present Regulations, or they shall have to terminate their operation.

#### **Article 17**

a) Organizations and/or individuals with positive and effective contributions to development and humanitarian programs in Vietnam shall be appreciated and have their merits acknowledged by the people and Government of Vietnam.

b) NGOs with activities not in conformity with the issued Permit, or violating stipulations of the present Regulations, shall, depending on the gravity of the violation, have their operation partially or completely suspended or their Permit withdrawn by the issuance agency. All and every violation of the Law of Vietnam by NGOs and their staff shall be treated according to the Law of Vietnam.

#### **Article 18**

The Committee for Non-Governmental Organization Affairs shall be responsible for the implementation of the present Regulations and shall give relevant guidance to the concerned agencies and localities.

#### **Article 19**

Ministries, Central Agencies, People's Organizations and People's Committees of provinces and centrally-administered cities shall have the responsibility to guide, support and supervise the implementation of the present Regulations in keeping with their functions. In cases of evident violation of the present Regulations, they shall resolve them in time and according to their competence and report to the Committee.

#### **Article 20**

The present Regulations come into force as of the date of signing; all regulations not in conformity with the present Regulations are now annulled.

**PRIME MINISTER**  
**Vo Van Kiet**