

**THE GOVERNMENT**

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No: 20/2013/NĐ-CP

**SOCIALIST REPUBLIC OF VIET NAM**

**Independence - Freedom - Happiness**

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*Hanoi, February 26, 2013*

**DECREE**

**Defining the functions, tasks, powers and organizational structure of  
Ministry of Science and Technology**

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

*Pursuant to the Decree No. 36/2012/NĐ-CP dated April 18, 2012 by the Government on defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies;*

*At the proposal of the Minister of Science and Technology,*

*The Government issues the Decree on defining the functions, tasks, powers and organizational structure of the Ministry of Science and Technology.*

**Article 1. Position and functions**

The Ministry of Science and Technology is a governmental agencies which performs functions of State management on science and technology, including science and technology activities; development of science and technology potentials; intellectual property; standards, metrology and quality control; atomic energy, radiation and nuclear safety; and State management on public services in fields under the Ministry's management as stipulated by law.

**Article 2. Tasks and powers**

The Ministry of Science and Technology has tasks and powers specified in Decree No. 36/2012/NĐ-CP dated April 18, 2012 by the Government on defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies and following specific tasks and powers:

1. To submit to the Government draft laws and 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 proposals as assigned by the Government or the Prime Minister; strategies, planning, long-term development plans, five-year plans, annual plans and key sectoral projects and works of national importance in fields under the management of Ministry of Science and Technology.

2. To submit to the Prime Minister draft decisions, directives and other documents in fields under the management of Ministry of Science and Technology.

3. To approve directions, objectives, key five-year science and technology tasks and annual science and technology plans, programs on research development of fields under the Ministry's State management scope appropriate with science and technology development strategies and according to the decentralization and delegation of the Government and the Prime Minister.

4. To promulgate circulars, decisions, directives and other documents under the Ministry's State management scope; provide directions, guide, examine and organize the implementation of legal and regulatory documents, strategies, planning and plans in fields under the Ministry's State management scope after they are issued and approved; inform, advocate, disseminate and educate laws on science and technology; issue national standards, technical specifications, processes, technical-economic norms in sectors and fields under the Ministry's State management scope.

5. To provide guidance and examinations for conditional businesses in sectors and fields on a list prescribed by the Government; manage the grant, modification, withdrawal and extension of licenses, certificates and registration certificates under the Ministry's State management scope on sectors, fields under the Ministry as stipulated by law; provide professional guidance for professional agencies under the Ministry's State management scope.

6. Regarding science and technology activities:

a) To direct the implementation of five-year and annual scientific research and technology development directions, objectives and tasks, technology transfer, promote the development of key technical-economic sectors, fields on the basis of renovating, mastering technologies and focus on developing modern and high technologies;

b) To chair and provide guidance to Ministries, branches and localities in performing the autonomous and accountable mechanism of public science and technology organizations; support the establishment and development of science and technology enterprises; support organizations and individuals in promoting their technical initiatives and advancement into production; regulate and provide guidelines for organizations and individuals to carry out technology incubation and science and technology enterprise incubation;

c) To provide guidelines and organize the implementation for certification of high technology use, research and development and reorganization of high-tech enterprises; specify conditions for high-tech incubation units, high-tech enterprise incubation units; specify authorities, conditions and procedures for certifying training units for high-tech human resource; establish the high-tech database and information infrastructure under the Ministry's authority; develop and submit to the Government for promulgation criteria and conditions for establishing hi-tech parks

and establish mechanisms and policies for hi-tech development; directly manage Hoa Lac Hi-Tech Park;

d) To provide guidelines for the identification, order, selection, direct delivery, assessment and acceptance of science and technology tasks; delegation of ownership and use of results from science and technology tasks funded by the State budget. To delegate the ownership and use of results from science and technology tasks at the State level to organizations and individuals. To exploit, use, publish and disseminate scientific research and technology development results;

d) To manage science and technology tasks at the State level in fields under the Ministry's authority; develop, provide guidance and organize the implementation of key State-level science and technology tasks and tasks under national science and technology programs and proposals approved by the Prime Minister;

e) To provide guidance and organize the implementation of ordering some science and technology products for science and technology tasks funded by the State budget;

g) To conduct specialized examination, supervision and inspection the implementation and post-acceptance of science and technology programs, proposals and projects funded by the State budget; carry out independent assessment for science and technology research results of science and technology organizations;

h) To provide guidance and registration for research and development organizations, science and technology service organizations, science and technology development funds, technology renovation funds, high-tech venture investment funds as stipulated by law;

i) To specify technology transfer and technology transfer services; guide assessment, valuation, appraisal and evaluation of technologies; give permits for technology transfer and certify registration of technology transfer contracts according to the delegation of authority; appraise science and technology contents of investment projects and socio-economic development planning, planning of sectors, fields, programs and proposals on scientific research served for technology transfer, development of the technology market under the Ministry's authority; appraise and submit to the Government for promulgation of lists of technologies encouraged for transfer, of technologies restricted from transfer and of technologies banned from transfer;

k) To provide guidance on developing five-year and annual science and technology plans and management of science and technology activities to Ministries, branches and localities.

7. Regarding the development of science and technology potentials:

a) To chair and coordinate with Ministries, branches and localities in developing planning of the network of science and technology organizations and organize the implementation after they are issued; specify criteria of establishment and classification and conditions for operation of research and development organizations; establish and provide comments on the establishment, re-organization, dissolution of public administrative science and technology agencies as stipulated by law; provide guidance on management of the system of key national laboratories;

b) To promulgate according to the delegation of authority or submit to competent authorities for promulgation and organize the implementation of mechanisms and policies on training, employment and preferential treatment of science and technology officials; develop and organize the implementation of programs and plans on training and providing with updated knowledge for those who work in science and technology fields and support the development of science and technology labor forces;

c) To coordinate with the Ministry of Finance in establishing financial mechanisms in science and technology field, annual plans on State budget for science and technology activities; define proportions of income and expenses from State budget allocated for annual science and technology activities of Ministries, branches and localities and submit to competent authorities for approval. To coordinate with the Ministry of Planning and Investment in developing annual plans on State budget allocation for science and technology development. To examine and supervise the implementation of annual State budget allocation for science and technology and the use of the State budget for science and technology of Ministries, branches and localities as stipulated by law;

d) To provide guidance for information, communication, library, statistics activities in science and technology field, develop the technology market; build the national science and technology infrastructure and statistics; organize technology and equipment markets, technology trading centers, science and technology exhibitions; establish the system of national databases on science and technology; invest in the development of advanced science and technology information networks linked with regional and international networks.

#### 8. Regarding intellectual property:

a) To develop, guide and organize the implementation and examine the fulfillment of legal provisions on intellectual property; specify processes and procedures for registration and establishment of intellectual property rights, rights to use and transfer intellectual assets of organizations and individuals;

b) To carry out State management on initiatives;

c) To provide guidance and organize the implementation of establishment and transfer for industrial property rights; carry out measures for protecting lawful interests of the State, organizations and individuals in the field of industrial property;

d) To provide guidance for management agencies of industrial property; manage activities of industrial property representation, assessment of industrial property and other intellectual property services; provide professional guidance on industrial property to Ministries, branches, localities, enterprises and units;

đ) To chair, organize the settlement of disputes over and commercial disputes related to industrial property as stipulated by law;

e) To coordinate with the Ministry of Culture, Sports and Tourism, Ministry of Information and Communication and the Ministry of Agriculture and Rural Development to carry out the State management on intellectual property in related fields as assigned by the Government.

#### 9. Regarding standards, metrology and quality control:

a) To manage the system of Vietnamese standards and technical specifications; evaluate and publicize national standards; provide guidance on establishment and evaluation of national technical specifications; organize the establishment and provide guidelines for applying national standards and establish, issue and provide guidelines for applying national technical specifications in fields assigned under its management; participate in the establishment of international standards, provide guidelines for applying international, regional and foreign standards in Vietnam; provide guidelines for establishment of local technical specifications; provide guidance on establishing and publishing basic standards; organize and manage the performance of Vietnam's network of notification authorities and enquiry points on technical barriers to trade; carry out the State management on numeral codes, bar codes and classification of products and goods;

b) To manage the establishment, maintenance and use of the metrology standards system; approve national metrological standards; appoint organizations to keep national metrological standards; organize the metrological management on for metrological methods, metrological devices, packed product weights, metrology standards; organize and manage the verification, calibration and experiment of metrological devices and metrological standards;

c) To chair and coordinate with concerned Ministries and branches in carrying out the State management on product quality, goods in product, goods for export and import and being circulated in the market and during the usage as stipulated by law; provide guidance and manage the labeling of goods nationwide; provide guidelines and manage the assessment of conformity with standards and technical specifications, accreditation of testing laboratories, calibration laboratories, conformity certification organizations and evaluation organizations; chair the implementation of the national programs on raising productivity, quality and

competitiveness of products and goods; fulfill international agreements and treaties on mutual recognition of conformity assessment results of standards and technical specifications, metrology and quality of products and goods; manage, provide guidelines and organize the implementation of applying the advanced quality control system for the operation of State administrative agencies.

10. Regarding atomic energy and radiation and nuclear safety:

a) To carry out the State management on radiation safety, environmental radioactivity, nuclear safety, radioactivity security, nuclear security and nuclear inspection in activities of applying atomic energy nationwide; provide guidance, organize activities of applying atomic energy in economic–technical branches, projects on building nuclear power plants as stipulated by law;

b) To organize and manage the national monitoring and warning network of environmental radioactivity and the system of national standardized laboratories in the field of radiation and nuclear metrology;

c) To specify and provide guidance for declaration and grant of permits on radiation activities. To conduct inspections and handle violations on radiation and nuclear safety assurance for activities in the atomic energy field;

d) To manage nuclear fuels, used nuclear fuels, nuclear materials, source nuclear materials, radioactive wastes and provision of services supporting atomic energy use; manage the import and export of radiation technology and equipment, nuclear fuels and used nuclear fuels, nuclear materials and radioactive sources nationwide;

d) To specify the control and response to radiation and nuclear incidents.

11. Regarding public services:

a) To guide non-business organizations to provide public services in sectors and fields under the Ministry's State management scope;

b) To develop processes, procedures and technical-economic norms applicable to activities of providing public services of sectors and fields under the Ministry's management;

c) To provide guidance and create favorable conditions for public service providers as stipulated by law.

12. To manage civil servants specialized in science and technology:

a) To establish professional standards of civil servants ranks in the science and technology field and submit to the Ministry of Interior Affairs for approval;

b) To manage positions in public administrative agencies under the Ministry's State management scope;

c) To establish and promulgate standards and professional criteria applicable to civil servants specialized in the science and technology field;

d) To define specific standards, conditions, contents, examination forms or review the promotion and organize the examination and review of promotion 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.

#### 13. 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.

#### 14. Regarding inspection, examination and corruption prevention

a) To provide guidelines, examine, inspect the fulfillment of policies and laws of sectors and fields under the Ministry's State management scope; provide professional guidelines for specialized inspections and handling of legal violations as stipulated by law;

b) To settle complains, denunciations and petitions of organizations and individuals relating to sectors and fields under the Ministry's management; organize meetings with people and carry out corruption prevention and prohibition as regulated.

15. To recognize advocacy committees for the establishment of societies, associations and non-governmental organizations (in short called Associations) which operate in fields under the Ministry's State management cope; provide guidance and create favorable conditions for the Associations to participate in activities of this sector; organize consultations to have comments from the Associations for finalization of laws on science and technology; examine and inspect the implementation of regulations on the Associations' activities in fields under the Ministry's State management scope; handle according the Ministry's authority or propose to the competent State agency to handle legal violations of the Associations as stipulated by law.

16. To manage and organize the implementation of investment projects under the Ministry's management is stipulated by law.

17. To organize and guide the implementation of plans on scientific research and use of science and technology advancements of agencies under the Ministry.

18. To act as the representative proprietor of the State-owned capital in enterprises with State-owned capital under the Ministry as stipulated:

a) To exercise rights and obligations of the State proprietor as delegated and assigned by the Government, the Prime Minister for single-member limited liability companies in which the State is the proprietor and for the proportion of State investment in enterprises;

b) To submit to the competent State agency for appointing, dismissing or appoint, dismiss according to the Ministry's authority leaders, managers of enterprises;

c) To approve according to the Ministry's authority or submit to the competent level for approval of Regulations on organization and operation of enterprises.

19. To organize the implementation of the Ministry's administrative reform plans according to the State administrative reform program approved by the Prime Minister.

20. To manage the organizational structure, staff and civil servants, positions, official structure and number of staff working in public administrative agencies; make decisions on appointment, re-appointment, rotation, dismissal, resign, removal from the office, secondment; carry out salary mechanisms, mechanisms and preferential treatments, reward and penalty and other mechanisms for officials, civil servants and staff; develop and organize the implementation of plans on training and providing updated professional knowledge for officials, civil servants, staff under the Ministry's management scope as stipulated by law.



21. To work out the annual income and expenditure estimations from the State budget of the Ministry and of the science and technology sector; coordinate with the Ministry of Finance to develop and consolidate income and expenditure estimations according of the sector and fields under the Ministry's management scope in order to submit to the National Assembly; manage and organize the liquidation of the State budget; perform other tasks in terms of the State budget, finance and assets as stipulated by law.

22. To perform other tasks and powers as assigned by the Government, the Prime Minister or as stipulated by law.

### **Article 3. Organizational structure of the Ministry**

1. The Department of Social and Natural Sciences;
2. The Department of Science and Technology for Economic and Technical Branches;
3. The Department of Technology Assessment, Appraisal and Evaluation;
4. The Department of High-Technology;
5. The Department of Planning-General Affairs;
6. The Department of Finance;
8. The Department of Organization and Personnel;
9. The Department of International Cooperation;
10. The Department of Emulation and Reward;
11. The Department of Local Science and Technology Development;
12. The Office;
13. The Ministry Inspectorate;
14. The National Office of Southern region;
15. The State Agency for Technology Innovation;
16. Vietnam Atomic Energy Commission;
17. The National Center for Scientific and Technological Information;

18. The National Agency for Technology Entrepreneurship and Commercialization Development;
19. Vietnam Agency for Radiation and Nuclear Safety and Control;
20. The National Office of Intellectual Property of Vietnam;
21. The Directorate for Standards, Metrology and Quality;
22. The Management Board of Hoa Lac Hi-Tech Park;
23. The National Institute for Science and Technology Policy and Strategy Studies;
24. The Office of National S&T Research Programs;
25. The Science and Development Newspaper;
26. Vietnam Science and Technology Magazine;
27. The Information Communication Technology Center
28. The MOST Management Training Institute.

Units defined in Clauses 1 through 22 of this Article are organizations which assist the Minister in fulfilling the State management functions; units defined in Clauses 23 through 28 of this Article are non-business organizations for the Ministry's State management activities.

The Department of Social and Natural Sciences is organized with 02 sections, the Department of Science and Technology for Economic and Technical Branches with 03 sections, the Department of Organization and Personnel with 03 sections, the Department of International Cooperation with 04 sections, the Department of Planning and General Affairs with 03 sections, the Department of Finance with 03 sections, the Department of Legislation with 02 sections.

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

#### **Article 4. Enforceability**

1. This Decree takes effect 15 days as of April 20, 2013.

2. This Decree replaces the Decree No. 28/2008/ND-CP dated March 14, 2008 by the Government on defining the functions, tasks, powers and organizational structure of the Ministry of Science and Technology, annuls previous regulations contrary to this Decree.

### **Article 5. Implementation responsibility**

Ministers, heads of ministerial-level agencies, heads of agencies under the Government, Chairman of People's Committees of provinces and cities under the Central government shall implement this Decree./.

#### ***Recipients:***

- The Secretarial Committee of the Central Party,
- The Prime Minister, and Deputy Prime Minister,
- Ministries, agencies of ministerial level, agencies under the Government,
- The Office of Central Steering Committee for Corruption Prevention,
- The People's Council, the People's Committee of provinces and cities under the Central government,
- The Office of the Central Party and Committees of the Party,
- The Office of the President,
- Ethnic Councils and Committees of the National Assembly,
- The Office of the National Assembly,
- The People's Supreme organ of control,
- The Supreme Court,
- People's Supreme Procuracy,
- State Audit Office,
- The National Financial Monitoring Committee,
- Bank for Social Policies,
- Vietnam Bank for Development,
- Committee for Vietnam Fatherland Front,
- Central committees of mass organizations,
- The Office: BTCN, PCN, Electronic Portal, Departments, Bureaus, the official gazette;
- Archives, TCCV (3b).

**ON BEHALF OF THE  
GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**