

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Hanoi, August 18, 2017

DECREE

DEFINING THE FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE OF MINISTRY OF INDUSTRY AND TRADE

Pursuant to the Law on Government Organization dated June 19, 2015;

*Pursuant to the Government's Decree No. 123/2016/ND-CP dated September 01, 2016
defining Functions, Tasks, Powers and Organizational Structures of Ministries and
Ministerial-level Agencies;*

At the request of Minister of Industry and Trade;

*The Government promulgates this Decree to define the functions, tasks, powers and
organizational structure of Ministry of Industry and Trade .*

Article 1. Position and functions

Ministry of Industry and Trade is a governmental agency performing the state management of industry and trade, including the following industries and sectors: Electricity, coal industry, oil and gas, new energy, renewable energy, chemicals, industrial explosives, mechanical engineering, metallurgy, mineral mining and processing industry, consumer industry, food industry, supporting industries, environment industry, high-tech industry; industrial and handicrafts complexes (clusters), industrial promotion; domestic trade; import, export and border trade; foreign market expansion; market surveillance; trade promotion; e-commerce; commercial services; international economic integration; competition, consumer rights and protection, trade remedies; public services in sectors and fields within the scope of its management.

Article 2. Tasks and powers

Ministry of Industry and Trade shall fulfill the tasks and exercise the powers prescribed in the Government's Decree No. 123/2016/ND-CP dated September 01, 2016 defining Functions, Tasks, Powers and Organizational Structures of Ministries and Ministerial-level Agencies, and the following specific tasks and powers:

1. Submit the following documents to the Government, including bills and draft resolutions of the National Assembly, draft ordinances and draft resolutions of the Standing Committee of the National Assembly, draft decrees of the Government under annual law-making programs and plans of the Government and of Ministries, as well as resolutions, projects, schemes and summary programs as assigned by the Government or the Prime Minister.

2. Submit the annual, medium-term and long-term development strategies or plans, national target programs, national programs and nationally significant projects in sectors or fields within the scope of its management to the Government or the Prime Minister for considering approval, and organize the implementation of the approved ones in accordance with law regulations.

3. Consider giving approval for development strategies, plans or programs in sectors or fields within the scope of its management, investment projects as assigned and authorized by the Government or the Prime Minister; instruct and inspect the implementation of the approved ones.

4. Promulgate circulars, decisions, directives and other documents on state management of sectors or fields within the scope of its management; instruct, organize and inspect the implementation of legislative documents within the scope of its management; instruct and organize propagation, dissemination and education of laws on industry and trade.

5. Formulate national standards and promulgate national technical regulations and technical – economic norms applied in sectors or fields within the scope of its management; instruct, manage and inspect the quality of goods, products and conditional business sectors within the scope of its management in accordance with the law regulations.

6. With regard to energy, including electricity, coal, gas and oil, new energy, renewable energy and other energy:

a) Perform the state management of energy investment and construction projects; submit consolidated reports on production and business activities in the energy sector within its competence;

b) Announce the list of energy projects under the development plans in the sectors of electricity, coal industry, oil and gas, new energy and renewable energy with the aim of attracting investments;

c) Give approval for and manage the implementation of electricity development plans, new energy and renewal energy plans of provinces or central-affiliated cities; give approval for hydroelectric cascade planning;

d) Give approval for early development plans (EDP); overall development plans (ODP); field clearance plans; make decisions on revocation of field-related rights in cases where contractors fail to conduct field development activities and extract oil within the prescribed time limit; make decisions on burning of associated gas; make decisions on extension of oil and gas search and exploration stage according to provisions of oil and gas contracts; fulfill other tasks as defined by the Law on Petroleum;

dd) Instruct the formulation and give approval for detailed plans for coal mining regions; nationwide peat exploration, exploitation and use plans; schemes for supply of coal to power plants;

e) Organize negotiation to enter into documents or written agreements in the energy sector (BOT contracts, government guarantee agreements, or treaties) in accordance with the law regulations and as authorized by the Government;

g) Perform state management of economical and efficient use of energy in accordance with the law regulations.

7. With regard to electricity regulatory activities:

a) Formulate regulations on the operation of competitive electricity market and organize the implementation thereof;

b) Instruct the formulation of electric power supply plans, inspect and supervise the electric power supply and operation of electrical grids so as to ensure the balance of electricity supply and demand; do research, propose and manage solutions for balancing electricity supply and demand; provide guidance on requirements and procedures for suspension or shutdown of electricity supply or reduction of electric power consumption; requirements and procedures for connection to the national electrical grid;

c) Establish the bracket of average retail prices of electricity, the mechanism for adjustment of electricity prices and structure of the retail electricity price list; organize the application of mechanisms and policies on electricity prices;

d) Stipulate the bracket of electricity generation costs and the bracket of wholesale electricity prices, and consider approving the electricity transmission prices, prices of ancillary services provided by the grid operators, costs of dispatch and operation of electrical grids and costs of management of electricity transactions as well as prices of electricity came from new energy and renewable energy sources;

dd) Resolve complaints and disputes in the electricity market.

8. With regard to chemicals and industrial explosives:

a) Perform state management of chemicals, precursors used in industrial sector, explosive precursors and industrial explosives in accordance with law regulations; chemicals defined in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; chemicals used for production of consumer goods;

b) Manage chemical and industrial explosive industries; instruct, inspect and prepare consolidated reports on the development of chemical and industrial explosive industries in accordance with the law regulations.

9. With regard to heavy industry and light industry:

a) Manage and develop mechanical engineering, metallurgy, mining and mineral processing industries (excluding types of minerals used for production of building materials and cement products), consumer industry, foods industry, bioindustry, supporting industries, electronics and high-tech industries in accordance with the law regulations;

b) Take charge and cooperate with relevant ministries to formulate and submit mechanisms, policies and list of prioritized products in industrial sectors within the scope of its management to competent authorities for approval and promulgation;

c) Prepare and submit consolidated reports on industrial production activities as regulated.

10. With regard to industrial promotion, industrial and handicrafts complexes (clusters):

a) Formulate and organize the implementation of industrial promotion programs and plans; manage funds for implementing the national industrial promotion program;

b) Organize activities to develop handicrafts industry, industrial and handicrafts villages;

c) Organize activities to develop industrial complexes (clusters), and programs for investment in infrastructure systems of industrial complexes in accordance with the law regulations;

d) Fulfill supporting tasks for development of small- and medium-scale enterprises in industrial and handicrafts sectors.

11. With regard to industrial safety techniques:

a) Perform state management of occupational safety and sanitation matters within the ambit of assigned duties and powers;

b) Manage safety techniques-related activities within the scope of its management;

c) Manage the safety of hydroelectric dams and industrial explosives;

d) Instruct and organize activities of incident response, emergency response, disaster prevention and control, search and rescue within the scope of its responsibility.

12. With regard to environment protection and climate change responses in the industry and trade sector:

a) Implement regulations of the Law on Environment Protection within the scope of its management;

b) Instruct the preparation and appraisal of strategic environmental assessment reports and environmental impact assessment reports within the scope of its competence;

c) Take charge and cooperate with relevant ministries and local governments to develop environmental industry;

d) Conduct climate change response activities within the scope of its management.

13. With regard to domestic trade and market:

a) Organize the implementation of mechanisms and policies on development of domestic trade and market; develop domestic trade and ensure the balance of goods supply and demand, and the supply of essential commodities to mountainous regions, islands, remote and isolate areas, border regions and ethnic minorities in accordance with the law regulations; Organize the implementation of mechanisms and policies on methods of transaction and business types in accordance with the law regulations;

b) Take charge and cooperate with relevant ministries to instruct and regulate the movement of goods;

c) Take charge and cooperate with ministries and local governments to manage and develop commercial services in accordance with the law regulations;

d) Take charge and cooperate with Ministry of Finance to stipulate prices of certain commodities as per the law;

dd) Take charge and cooperate with ministries and local governments to formulate policies on development of commercial infrastructure facilities (including markets, supermarkets, shopping malls, trade centers, centers for auction of goods/commodities, goods trading centers, logistics centers, warehouses, trade fairs, exhibitions and retail stores) in accordance with the law regulations.

14. With regard to foods safety:

a) Manage foods safety during the processes of production, processing, preservation, transport, import, export and sales of alcohol, beer, soft drinks, processed milk, vegetable oil, processed flour and starch products and other foods in accordance with the Government's regulations;

b) Inspect the compliance with regulations on foods safety with respect of tools and materials for packaging and storage of foods during the production, processing and sales of foods within the scope of its management;

c) Inspect the compliance with regulations on foods safety with respect of establishments trading in foods products that are under the scope of management by two or more ministries (excluding wholesale markets and centers for auction of agricultural products);

d) Request the Government to promulgate regulations on eligibility requirements for trading in foods at markets, supermarkets and other business forms in accordance with the law regulations.

15. With regard to import and export of goods:

a) Organize the implementation of mechanisms and policies on goods import and export, border trade and foreign market expansion;

b) Manage the import, export, temporary import, re-export, temporary export, re-import, merchanting trade, in-transit transport of goods, border trade, entrustment activities, entrusted import, entrusted export, sales agencies, processing activities and origin of goods;

c) Prepare consolidated reports on the status and plan for import and export of goods, and border trade in accordance with the law regulations.

16. With regard to trade remedies:

a) Organize the implementation of the Law on trade remedies, consisting of: anti-dumping, countervailing and safeguard measures against imports into Vietnam;

b) Take charge and cooperate with ministries and local governments to assist business associations and enterprises subject to trade remedy investigation (including anti-dumping, countervailing and safeguard measures) conducted by foreign authorities against Vietnam's exports;

c) Perform works relating to the handling of disputes in trade remedy proceedings in WTO and other international organizations.

17. With regard to e-commerce and digital economy:

a) Instruct and organize the implementation of e-commerce development plans and programs;

b) Organize the implementation of mechanisms for promoting, supporting and identifying the orientation of new business models on the basis of e-commerce applications and digital technology application;

c) Instruct and inspect e-commerce operations and the satisfaction of eligibility requirements to conduct e-commerce operations; manage and supervise e-commerce operations and business models by means of digital technology application in accordance with the law regulations;

d) Establish and operate critical infrastructure for serving e-commerce activities; establish technical architecture framework and foundations for business models on the basis of digital technology application;

dd) Carry out research and development activities, and develop new technologies so as to facilitate the enterprise connectivity in the forms of business clusters and value chain towards association to international market.

18. With regard to market surveillance:

a) Take charge and cooperate with ministries and local governments to establish and organize operations of market surveillance forces in accordance with the law regulations;

b) Instruct and inspect the compliance with the laws and handle violations against regulations on goods trading and commercial services in the market and other sectors in accordance with the law regulations;

c) Take charge and cooperate with ministries and local governments to perform activities of smuggling prevention, anti-smuggling, production and sales of counterfeits, banned products, trade frauds and other acts of violation within the scope of its management in accordance with the law regulations.

19. With regard to competition, consumer rights and protection:

a) Perform state management of competition sector, including acts of restraint of competition, economic concentration and unfair competition in accordance with the law regulations;

b) Perform state management of protection of consumer rights in accordance with the law regulations.

20. With regard to trade promotion:

- a) Take charge and cooperate with relevant ministries to formulate and implement the annual national trade promotion programs and national brand programs in accordance with the law regulations;
- b) Instruct and inspect contents and eligibility to engage in domestic and foreign activities of commercial advertising, brand advertising, trade fairs, exhibitions, promotion, showrooms, product and service introduction in accordance with the law regulations;
- c) Manage annual funding from state budget for performing trade promotion activities in accordance with the law regulations;
- d) Manage and instruct operations of Vietnam's trade promotion offices in foreign countries; manage representative offices of foreign trade promotion organizations in Vietnam in accordance with the law regulations.

21. With regard to international economic integration:

- a) Organize the implementation of mechanisms and policies on international economic integration; disseminate, instruct and organize the implementation of Vietnam's commitments on international economic integration in accordance with the law regulations;
- b) Formulate plans, study and propose negotiation, conclude or enter into international or regional bilateral or multilateral treaties on commerce within the scope of its management in accordance with the law regulations; negotiate free trade agreements; negotiate international cooperation agreements and market expansion agreements between Vietnam and countries, associations of nations or territories;
- c) Represent Vietnam's international economic interests, propose plans and organize the performance of Vietnam's economic and international trade rights and obligations at the World Trade Organization (WTO), the Association of Southeast Asian Nations (ASEAN), the Asian- Pacific Economic Cooperation (APEC) forum, the Asia-Europe Meeting (ASEM) and other international economic organizations and forums as assigned by the Prime Minister.

22. With regard to foreign market expansion, regional and bilateral cooperation:

- a) Do research, negotiate, conclude, enter into and implement bilateral and regional agreements and treaties on trade and industrial cooperation within the scope of its competence as regulated by law with the aim of market expansion between Vietnam and other countries, associations of nations and territories;
- b) Organize the implementation of bilateral, regional and sub-regional cooperation contents within the scope of its management;
- c) Take charge and cooperate with relevant ministries to propose establishing, inspect and develop operations of Vietnam's boards in Intergovernmental committees between Vietnam and other countries or territories in trade and industrial sectors;

d) Do market research, consolidate, analyze and provide information about policies, laws and industrial and trade matters, domestic and foreign businesspeople with the aims of serving the direction and management of foreign market expansion; discover and remove restraints on imports and exports of Vietnamese enterprises; develop enterprise connectivity activities so as to develop foreign market;

dd) Instruct commercial activities of Vietnamese businesspeople in foreign markets;

e) Cooperate with Ministry of Foreign Affairs to instruct its officials on secondment at Vietnam's representative missions in foreign countries to perform specialized trade works.

23. Perform state management of investment activities and commercial presences of foreign investors or foreign-invested economic organizations in Vietnam in the fields of industry and trade in accordance with the law regulations.

24. Consider issuing, modifying, revoking and renewing licenses, certifications, conformations and other documents in accordance with the law regulations within the scope of its management.

25. Manage the quality of industrial works within the scope of its management in accordance with the law regulations.

26. Manage the national reserves as assigned by the Government.

27. Implement international cooperation in the industry and trade sector; develop industrial and trade cooperation activities with international organizations; establish the business relationships with multinational companies; receive and manage the use of ODA and foreign technical assistance in the field of industry and trade in accordance with the law regulations.

28. With regard to science and technology:

a) Organize the implementation of the roadmap for development of science and technology, application of scientific and technological advances, high technologies and technology transfer in the field of industry and trade;

b) Conduct activities of scientific research and technological development, application and development of new technologies, high technologies and development of technology market; value and appraise technologies in sectors and fields within the scope of its management and competence;

c) Conduct activities of standardization, product quality measurement and intellectual property in the field of industry and trade.

29. With regard to public services:

a) Perform state management of public services in the sectors and fields within the scope of its management in accordance with law regulations;

b) Formulate and promulgate standards, procedures, regulations, technical – economic norms on public services in the sectors and fields within the scope of its management;

c) Instruct and assist public service providers in accordance with law regulations.

30. Exercise the rights and perform the responsibilities and obligations of the state owner towards state-owned enterprises and state capital portions invested in other enterprises in accordance with law regulations.

31. Perform tasks and powers towards non-governmental organizations within the scope of its management in accordance with law regulations.

32. Inspect and settle complaints and denunciations, prevent and combat corruption, receive citizens and handle administrative violations within the ambit of assigned functions; conduct specialized inspections in the fields of industry and trade in accordance with law regulations.

33. Decide and instruct the implementation of its administrative reform programs according to the objectives and contents of the state administration reform program approved by the Government or the Prime Minister.

34. Manage its organizational apparatus, payroll, officials and public employees; commend and reward, organize training activities so as to develop human resources in the field of industry and trade; implement salary regimes and policies on preferential treatment and enforce disciplinary measures against officials and public employees within the scope of its management in accordance with law regulations.

35. Manage financial sources and assigned assets as well as manage the use of allocated state budget in accordance with law regulations.

36. Perform other tasks and powers as assigned by the Government or the Prime Minister and as prescribed by law.

Article 3. Organizational structure

1. Planning Department.

2. Department of Finance and Business Innovation.

3. Department of Science and Technology.

4. Asian – African Market Department.

5. European - American Market Department.

6. Multilateral Trade Policy Department.

7. Domestic Market Department.

8. Petroleum and Coal Department.

9. Department of Energy Conservation and Sustainable Development.

10. Organization and Personnel Department.

11. Legal Department.
12. Ministry Inspectorate.
13. Ministry Office.
14. Market Surveillance Administration.
15. Agency for Southern Affairs.
16. Electricity Regulatory Authority of Vietnam.
17. Industry Department.
18. Department of Electricity and Renewable Energy.
19. Vietnam Competition and Consumer Protection Authority.
20. Trade Remedy Assistance Department.
21. Vietnam Trade Promotion Agency.
22. Local Industry and Trade Department.
23. Import and Export Department.
24. Industrial Safety Techniques and Environment Agency.
25. E-commerce and Digital Economy Agency.
26. Vietnam Chemicals Agency.
27. Industrial and Trade Policy and Strategy Institute.
28. Newspaper of Industry and Trade.
29. Vietnam Trade and Industry Review.
30. Vietnam Institute for Industry and Trade Studying.

The organizations referred to in Clauses 1-26 of this Article shall assist the Minister of Industry and Trade in performing the state management functions; the organizations referred to in Clauses 27-30 are administrative units serving the Ministry's state management functions.

The Organization and Personnel Department may organize 4 divisions, the Planning Department may organize 4 divisions, the Legal Department may organize 3 divisions, the Domestic Market Department may organize 4 divisions, the Department of Finance and Business Innovation may organize 3 divisions, the Department of Science and Technology may organize 3 divisions, the Multilateral Trade Policy Department may organize 3 divisions,

the Asian – African Market Department may organize 3 divisions, the European - American Market Department may organize 3 divisions, the Petroleum and Coal Department may organize 2 divisions, the Ministry Inspectorate may organize 7 divisions, and the Ministry Office may organize 10 divisions.

Vietnam Trade Promotion Agency may organize an office and 5 divisions. Industrial Safety Techniques and Environment Agency may organize an office and 5 divisions. The Trade Remedy Assistance Department may organize an office and 4 divisions. The Local Industry and Trade Department may organize an office and 4 divisions. The Vietnam Competition and Consumer Protection Authority may organize an office and 5 divisions. Department of Electricity and Renewable Energy may organize an office and 6 divisions. The Import and Export Department may organize an office, 6 divisions and regional import and export management offices. Vietnam Chemicals Agency may organize an office and 2 divisions. The E-commerce and Digital Economy Agency may organize an office and 5 divisions. The Industry Department may organize an office and 4 divisions. The Agency for Southern Affairs may organize an office and 3 divisions. The Electricity Regulatory Authority of Vietnam may organize an office and 5 divisions.

Minister of Industry and Trade shall be responsible for requesting the Prime Minister to make a Decision on defining the functions, tasks, powers and organizational structure of the Market Surveillance Administration; promulgate the list of other public service providers affiliated to the Ministry of Industry and Trade.

Minister of Industry and Trade shall be responsible for defining the functions, tasks, powers and organizational structures of its affiliated units, except the units prescribed in Clause 14 of this Article.

Article 4. Entry into force

This Decree shall come into force as from the date on which it is signed and supersede the Government's Decree No. 95/2012/ND-CP dated November 22, 2012 defining the functions, tasks, powers and organizational structure of Ministry of Industry and Trade.

Article 5. Transition provision

The Market Surveillance Agency shall continue performing functions and tasks in accordance with prevailing law regulations until the Prime Minister makes decision on defining functions, tasks, powers and organizational structure of the Market Surveillance Administration.

Article 6. Implementation responsibility

Ministers, heads of ministerial-level agencies, heads of the Government's affiliates, Chairpersons of People's Committees of Central-affiliated Cities or Provinces shall be responsible for implementing this Decree./.

ON BEHALF OF THE GOVERNMENT

PRIME MINISTER

Nguyen Xuan Phuc