

**THE GOVERNMENT**

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**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No. 100/2018/ND-CP

*Hanoi, July 16, 2018*

**DECREE**

**AMENDING AND ANNULING SOME REGULATIONS ON NECESSARY BUSINESS  
CONDITIONS IN FIELDS UNDER THE MANAGEMENT OF THE MINISTRY OF  
CONSTRUCTION**

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

*Pursuant to the Law on amendments to Article 6 and Appendix 4 on the list of conditional  
business lines stipulated in the Law on Investment dated November 22, 2016;*

*Pursuant to the Law on Construction dated June 18, 2014;*

*Pursuant to the Law on Housing dated November 25, 2014;*

*Pursuant to the Law on Real Estate Trading dated November 25, 2014;*

*At the request of the Minister of Construction;*

*The Government hereby promulgates a Decree that amends and annuls some regulations on  
necessary business conditions in fields under the management of the Ministry of Construction.*

**Article 1. Amending and annulling some Articles of the Government's Decree No.  
59/2015/ND-CP dated June 18, 2015 on construction project management (hereinafter  
referred to as "the Decree No. 59/2015/ND-CP") and some Clauses of Article 1 of the  
Government's Decree No. 42/2017/ND-CP on amendments to some Articles of the  
Government's Decree No. 59/2015/ND-CP dated June 18, 2015 on construction project  
management (hereinafter referred to as "the Decree No. 42/2017/ND-CP"):**

1. Clauses 7, 15, 16, 17, 18, 19 and 20 Article 2 of the Decree No. 59/2015/ND-CP are amended  
as follows:

"7. "project manager" means the title of an individual who is assigned to manage and coordinate  
a specific construction project by the director of Director of field-based or area-based project  
management board or the legal representative of the investor (in case the investor manages the  
project himself/herself).

15. "chairperson" means the title of an individual who is assigned to perform specialized tasks of  
a planning project or specific project, including taking charge of designing disciplines of a

construction planning project; taking charge of designing disciplines of construction design; taking charge of construction; taking charge of managing construction cost.

16. “president” means the title of an individual who is assigned to manage and coordinate all specialized tasks of a planning project or specific project, including acting as a president in charge of designing construction planning; carrying out construction survey; construction design.

17. “chief supervisor” means the title of an individual who is assigned by a construction supervision organization to manage the supervision of a specific project or work.

18. “site manager” means the title of an individual who is assigned by a construction supervision organization to manage the construction of a specific project or work.

19. “practicing certificate code” means a 08-digit serial number that is used to manage an individual’s construction practicing certificate. Each individual involved in construction activities shall be granted a practicing certificate code when applying for the practicing certificate for the first time as prescribed in this Decree. The practicing certificate code shall remain unchanged when the individual applies for reissuance of or revision to the issued practicing certificate.

20. “eligibility certificate code” means a 08-digit serial number that is used to manage an organization’s certificate of eligibility for construction activities. Each organization involved in construction activities shall be granted an eligibility certificate code when applying for the eligibility certificate for the first time as prescribed in this Decree. The eligibility certificate code shall remain unchanged when the organization applies for reissuance of or revision to the issued eligibility certificate.”.

2. Article 44 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 44. Construction practicing certificates**

1. The construction practicing certificate (hereinafter referred to as “the practicing certificate”) shall be issued to any Vietnamese citizens, overseas Vietnamese or foreigners who legally carry out construction activities in Vietnam in order for them to hold certain positions or run their own construction business as prescribed in Clause 3 Article 148 of the Law on Construction 2014.

2. Any foreigner or overseas Vietnamese who obtained a practicing certificate issued by a foreign authority or organization and has practiced construction in Vietnam for less than 06 months, he/she shall be permitted to practice construction activities. If he/she has practiced construction in Vietnam for at least 06 months, he/she is required to change the construction practicing certificate as prescribed in Article 44b of this Decree.

3. Any individual having yet to obtain a practicing certificate is entitled to participate in the construction sector where appropriate for his/her major, and is not authorized to run his/her own construction business as well as hold any title that requires the practicing certificate.

4. The practicing certificate is valid for up to 05 years. Regarding the practicing certificate of a foreign individual, its effective period shall be determined according to the period specified in the work permit or temporary resident card issued by a competent authority but not exceed 05 years.

5. The forms and contents of the practicing certificate are provided in the Appendix VIII of this Decree.

6. The practicing certificate is managed using the practicing certificate code, including 02 groups of code joined together by a hyphen (-) as follows:

a) First group includes three characters representing the place of issue as prescribed in Appendix VII hereof.

b) Second group indicates the practicing certificate code.

8. The Ministry of Construction shall uniformly manage the issuance and revocation of the practicing certificate, and issuance of the practicing certificate code; provide professional guidelines for issuing the practice certificate; publish the list of individuals issued with the certificate; organize the online issuance of the practicing certificate.”.

3. Article 44a is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 44a. Issuance and revocation of construction practicing certificate**

1. The construction practicing certificate shall be issued to:

a) Any individual applying for the practicing certificate for the first time or upgrading his/her practicing certificate;

b) Any individual applying for adjustments or amendments to his/her practicing certificate;

c) Any individual applying for reissuance of the practicing certificate in case the old certificate is lost or damaged or expired; or

d) The individuals mentioned in Clause 2 Article 44 of this Decree who wish to convert his/her practicing certificate.

2. An individual whose practicing certificate shall be revoked in one of the following cases:

a) The individual no longer satisfies the conditions specified in Clause 1 Article 45 of this Decree;

b) The application for the pharmacy practicing certificate contains counterfeit documents;

c) The holder of the practicing certificate rents it, lends it, leases it, borrows it or allows another person to use it;

d) Contents of the practicing certificate are corrected, erased or falsified;

dd) The practicing certificate is incorrect because of the issuing authority;

e) The practicing certificate is issued ultra vires;

g) The practicing certificate is issued in the case of failure to meet eligibility requirements as prescribed.

3. The individual whose practicing certificate is revoked in the cases specified in Points b, c and d Clause 2 of this Article is entitled to apply for issuance of the practicing certificate 12 months after the date on which the decision on practicing certificate revocation is issued. Procedures for issuance of the practicing certificate are the same as those specified in Point a Clause 1 of this Article.

The individual whose practicing certificate is revoked in the case specified in Point dd Clause 2 of this Article shall be re-issued with the practicing certificate in accordance with the procedures specified in Clause 2 Article 56b of this Decree.”.

4. Article 44b is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 44b. The power to issue and revoke the construction practicing certificate**

1. Power to issue the practicing certificate:

a) Construction authorities affiliated to the Ministry of Construction shall issue Rank-I practicing certificates.

b) Departments of Construction shall issue Rank-II and Rank-III practicing certificates.

c) Socio-professional organizations specified in Article 56c of this Decree shall issue Rank-II and Rank-III practicing certificates to their members.

2. Authorities that have the power to issue practicing certificates are the ones that have the power to revoke the practicing certificates that they issued.”.

5. Article 45 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 45. General eligibility requirements for issuance of the construction practicing certificates**

An individual shall be issued with the practicing certificate if he/she:

1. has full legal capacity as prescribed by law and obtains a residence permit or work permit if he/she is a foreigner or overseas Vietnamese.

2. has his/her qualifications and experience relevant to requirements of the practicing certificate.  
To be specific:

a) A Rank-I practicing certificate is awarded to the individual who gains a bachelor's degree in appropriate major and at least 07 years' experience relevant to requirements of that practicing certificate;

b) A Rank-II practicing certificate is awarded to the individual who gains a bachelor's degree in appropriate major and at least 04 years' experience relevant to requirements of that practicing certificate;

c) A Rank-III practicing certificate is awarded to the individual who has appropriate qualifications and at least 02 years' experience relevant to requirements of that practicing certificate with respect to the holder of the undergraduate degree and at least 03 years' experience with respect to the holder of the associate degree or intermediate diploma.

3. passes the test in the field that is covered by the practicing certificate applied for.”.

6. Article 46 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 46. Construction survey practicing certificates**

1. The fields to be covered by the construction survey practicing certificate applied for include:

a) Topographical survey;

b) Geological survey;

2. Requirements for eligibility to be granted the construction survey practicing certificate relevant to the surveys prescribed in Clause 1:

a) A Rank-I construction survey practicing certificate is awarded to the individual who has worked as a president in charge of construction survey in the field that is covered by the certificate applied for of at least 01 group A project or higher or 02 group B projects or higher or at least 02 Class I works or higher or at least 03 Class II works or higher.

b) A Rank-II construction survey practicing certificate is awarded to the individual who has worked as a president in charge of construction survey in the field that is covered by the certificate applied for of at least 01 group B project or higher or 02 group C projects or higher or at least 02 Class II works or higher or at least 03 Class III works or higher.

c) A Rank-III construction survey practicing certificate is awarded to the individual who has worked as a president in charge of construction survey in the field that is covered by the

certificate applied for of at least 02 group C projects or higher or 02 projects that require economic - technical reports or at least 02 Class III works or higher or at least 03 Class IV works.

### 3. Scope of construction survey:

- a) The holder of a Rank-I construction survey practicing certificate is entitled to work as a president in charge of construction survey of all project groups and work classes specified in the practicing certificate.
- b) The holder of a Rank-II construction survey practicing certificate is entitled to work as a president in charge of a construction survey of group B projects and Class II works or below specified in the practicing certificate.
- c) The holder of a Rank-III construction survey practicing certificate is entitled to work as a president in charge of a construction survey of group C projects, projects that require economic - technical reports and Class III works or below specified in the practicing certificate.”.

7. Clause 13 Article 1 of the Decree No. 42/2017/ND-CP is amended as follows:

### **“Article 47. Construction planning practicing certificates**

1. An individual shall be considered to be issued with a construction planning practicing certificate if the following eligibility requirements corresponding to ranks are met:

- a) A Rank-I construction planning practicing certificate is awarded to the individual who has worked as a chairperson or president in charge of designing disciplines of at least 01 construction planning project that has been approved by the Prime Minister or 02 construction planning projects (including at least 01 inter-district, district or general construction planning project) that have been approved by the People’s Committee of the province.
- b) A Rank-II construction planning practicing certificate is awarded to the individual who has worked as a chairperson or president in charge of designing disciplines of at least 01 construction planning project that has been approved by the People’s Committee of the province or 02 construction planning projects that have been approved by the People’s Committee of the district.
- c) A Rank-III construction planning practicing certificate is awarded to the individual who has participated in designing disciplines of at least 01 construction planning project that has been approved by the People’s Committee of the province or 02 construction planning projects that have been approved by the People’s Committee of the district.

### 2. Scope of operation

- a) The holder of a Rank-I construction planning practicing certificate is entitled to work as a chairperson or president in charge of designing disciplines of all construction planning projects.

b) The holder of a Rank-II construction planning practicing certificate is entitled work as a chairperson or president in charge of designing disciplines of all construction planning projects subject to approval of the People Committee's of the province and the People's Committee of the district.

c) The holder of a Rank-III construction planning practicing certificate is entitled to work as a chairperson or president in charge of designing disciplines of all construction planning projects subject to approval of the People Committee's of the district.”.

8. Article 48 of the Decree No. 59/2015/ND-CP and Clause 14 Article 1 of the Decree No. 42/2017/ND-CP are replaced as follows:

**“Article 48. Construction design practicing certificates**

1. The fields to be covered by the construction design practicing certificate applied for include:

a) Architectural design;

b) Civil - industrial structure design;

c) Mechanical - electrical design;

d) Water supply – drainage design;

dd) Transport engineering design; agricultural and rural development engineering design; infrastructural engineering design.

2. Requirements for eligibility to be granted the construction design practicing certificate:

a) A Rank-I construction design practicing certificate is awarded to the individual who has worked as a chairperson or president in charge of designing or appraising the design of tasks of the field that is covered by the certificate applied for of at least 01 Class I work or higher or at least 02 Class II works or higher.

b) A Rank-II construction design practicing certificate is awarded to the individual who has worked as a chairperson or president in charge of designing or appraising the design of tasks of the field that is covered by the certificate applied for of at least 01 Class II work or higher or at least 02 Class III works or higher or has participated in designing or appraising the design of the tasks relevant to requirements of that practicing certificate of at least 03 Class II works or higher that are the same as those specified in the practicing certificate applied for.

c) A Rank-III construction design practicing certificate is awarded to the individual who has participated in designing or appraising the design of tasks of the field that is covered by the practicing certificate applied for of at least 03 Class III works or higher or at least 05 Class IV works or higher that are the same as those specified in the practicing certificate applied for.

### 3. Scope of operation:

- a) The holder of a Rank-I construction design practicing certificate is entitled to work as a president in charge of construction design or a chairperson in charge of designing and appraising the design of disciplines of work classes that are the same as those specified in the practicing certificate.
- b) The holder of a Rank-II construction design practicing certificate is entitled to work as a president in charge of construction design or a chairperson in charge of designing and appraising the design of disciplines of Class II works or below that are the same as those specified in the practicing certificate.
- c) The holder of a Rank-III construction design practicing certificate is entitled to work as a president in charge of construction design or a chairperson in charge of designing and appraising the design of disciplines of class III and class IV works that are the same as those specified in the practicing certificate.”.

9. Article 49 of the Decree No. 59/2015/ND-CP and Clause 15 Article 1 of the Decree No. 42/2017/ND-CP are replaced as follows:

#### **“Article 49. Construction supervision practicing certificate**

1. The fields to be covered by the construction supervision practicing certificate applied for include:

a) Construction supervision:

- Supervision of civil - industrial engineering and infrastructural engineering;
- Supervision of transport engineering;
- Supervision of agricultural and rural development engineering.

b) Equipment installation supervision.

2. Requirements for eligibility to be granted the construction supervision practicing certificate:

- a) A Rank-I construction supervision practicing certificate is awarded to the individual who has worked as a chief supervisor or site manager or chairperson in charge of designing the tasks of the field that is covered by the practicing certificate applied for of at least 01 Class I work or higher or 02 Class II works or higher that are the same as those specified in the practicing certificate applied for.
- b) A Rank-II construction supervision practicing certificate is awarded to the individual who has worked as a chief supervisor or site manager or chairperson in charge of designing the tasks of the field that is covered by the practicing certificate applied for of at least 01 Class II work or

higher or 02 Class III works or higher that are the same as those specified in the practicing certificate applied for.

c) A Rank-III construction supervision practicing certificate is awarded to the individual who has participated in construction supervision or construction design or constructed part of the field that is covered by the practicing certificate applied for of at least 01 Class III work or higher or 02 Class IV works or higher that are the same as those specified in the practicing certificate applied for.

### 3. Scope of operation:

a) The holder of a Rank-I construction design practicing certificate is entitled to work as a chief supervisor in charge of the works that are the same as those specified in the practicing certificate or work as a supervisor in charge of all works that are the same as those specified in the practicing certificate.

b) The holder of a Rank-II construction design practicing certificate is entitled to work as a chief supervisor in charge of the Class II works or below or work as a supervisor in charge of all works that are the same as those specified in the practicing certificate.

c) The holder of a Rank-III construction design practicing certificate is entitled to work as a chief supervisor in charge of the Class III works or below or work as a supervisor in charge of all works that are the same as those specified in the practicing certificate.”.

10. Clause 16 Article 1 of the Decree No. 42/2017/ND-CP is amended as follows:

#### **“Article 50. Eligibility requirements for practicing construction inspection**

1. An individual who works as a chairperson in charge of inspecting quality, identifying causes of damage, service life of parts of works or constructions works, and in charge of carrying out inspections to indentify causes of construction incidents shall satisfy the following eligibility requirements corresponding to ranks:

a) A Rank-I construction inspection practicing certificate is issued to the individual who has been issued with a Rank-I construction design practicing certificate or worked as a chairperson in charge of construction inspection of at least 01 Class I work or higher or 02 Class II works or higher of the same type.

b) A Rank-II construction inspection practicing certificate is issued to the individual who has been issued with a Rank-II construction design practicing certificate or worked as a chairperson in charge of construction inspection of at least 01 Class II work or higher or 02 Class III works or higher of the same type.

c) A Rank-III construction inspection practicing certificate is issued to the individual who has been issued with a Rank-III construction design practicing certificate or participated in

construction inspection of at least 01 Class III work or higher or 02 Class IV works or higher of the same type.

2. Scope of operation:

- a) The holder of a Rank-I construction inspection practicing certificate is entitled to work as a chairperson in charge of all works of the same type.
- b) The holder of a Rank-II construction inspection practicing certificate is entitled to work as a chairperson in charge of Class II works or below of the same type.
- c) The holder of a Rank-III construction inspection practicing certificate is entitled to work as a chairperson in charge of Class III and Class IV works of the same type.”.

11. Article 52 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 52. Construction valuation practicing certificates**

1. Each individual obtaining a construction valuation practicing certificate is entitled to work as a chairperson in charge of construction cost management. To be specific:

- a) Determine and assess total construction investment; analyze risks and evaluate investment effectiveness;
- b) Determine investment rates, construction norms, construction prices, and construction price indexes;
- c) Measure construction volume;
- d) Determine and assess construction estimate;
- dd) Determine contract package prices and contract value with respect to construction activities;
- e) Control construction cost;
- g) Formulate and assess documents on payment or settlement of construction investment and convert construction investment after the construction is completed, transferred and put into operation.

2. Requirements for eligibility to be granted the construction valuation practicing certificate:

- a) A Rank-I construction valuation practicing certificate is awarded to the individual who has worked as a chairperson in charge of one of the tasks related to construction cost management of at least 01 group A project or higher or 02 group B projects or higher or 01 Class I work or higher or 02 Class II works or higher.

b) A Rank-II construction valuation practicing certificate is awarded to the individual who has worked as a chairperson in charge of one of the tasks related to construction cost management of at least 01 group B project or higher or 02 group C projects or higher or 01 Class II work or higher or 02 Class III works or higher.

c) A Rank-III construction valuation practicing certificate is awarded to the individual who has participated in performing one of the tasks related to construction cost management of at least 01 group C project or higher or at least 02 projects that require economic - technical reports or 01 Class III work or higher or 02 Class IV works or higher.

### 3. Scope of operation:

a) The holder of a Rank-I construction valuation practicing certificate is entitled to work as a chairperson in charge of construction cost management regardless of project groups and types or construction work types and classifications.

b) The holder of a Rank-II construction valuation practicing certificate is entitled to work as a chairperson in charge of managing construction cost of group B projects or below and Class I works or below.

c) The holder of a Rank-III construction valuation practicing certificate is entitled to work as a chairperson in charge of managing the cost of execution of group C projects, projects that require economic - technical reports and Class II works or below.”.

12. Article 53 of the Decree No. 59/2015/ND-CP is amended as follows:

### **“Article 53. Practicing requirements to be satisfied by site managers**

1. An individual who works as a site manager shall satisfy requirements corresponding to ranks as follows:

a) Rank I: He/she has been issued with a Rank-I construction supervision practicing certificate or worked as a site manager in charge of at least 01 Class I work or higher or 02 Class II works or higher of the same type.

b) Rank II: He/she has been issued with a Rank-II construction supervision practicing certificate or worked as a site manager in charge of at least 01 Class II work or higher or 02 Class III works or higher of the same type.

c) Rank III: He/she has been issued with a Rank-III construction design practicing certificate or participated in construction inspection of at least 01 Class III work or higher or 02 Class IV works or higher of the same type.

### 2. Scope of operation:

a) Rank I: He/she is entitled to work as a site manager in charge of the works that are the same as those specified in the construction supervision practicing certificate or those of which he/she was in charge.

b) Rank II: He/she is entitled to work as a site manager in charge of Class II works or below that are the same as those specified in the construction supervision practicing certificate or those of which he/she was in charge.

c) Rank III: He/she is entitled to work as a site manager in charge of Class III and IV works that are the same as those specified in the construction supervision practicing certificate or those of which he/she was in charge.”.

13. Clause 18 Article 1 of the Decree No. 42/2017/ND-CP is amended as follows:

**“Article 54. Project management practicing certificates**

1. An individual working as a project manager shall obtain a project management practicing certificate in accordance with types and scope of the project as prescribed in this Article.

2. Requirements for eligibility to be granted the project management practicing certificate:

a) A Rank-I project management practicing certificate is issued to the individual who has worked as a project manager in charge of at least 01 group A project or higher or at least 02 group B projects or higher of the same type; or has been issued with one of the three practicing certificates (Rank-I construction design/Rank-I construction supervision/Rank-I construction valuation practicing certificate) and has participated in managing at least 01 group A project or higher or 02 group B projects or higher of the same type.

b) A Rank-II project management practicing certificate is issued to the individual who has worked as a project manager in charge of at least 01 group B project or higher or at least 02 group C projects or higher of the same type; or has been issued with one of the three practicing certificates (Rank-II construction design/Rank-II construction supervision/Rank-II construction valuation practicing certificate) and has participated in managing at least 01 group B project or higher or 02 group C projects or higher or 03 projects or higher of the same type that require an economic - technical report.

c) A Rank-III construction valuation practicing certificate is awarded to the individual who has participated in managing at least 01 group C project or higher of the same type.

3. Scope of operation:

a) The holder of a Rank-I project management practicing certificate is entitled to work as a project manager in charge of all project groups corresponding to project types specified in the practicing certificate.

b) The holder of a Rank-II project management practicing certificate is entitled to work as a project manager in charge of group B and C projects corresponding to project types specified in the practicing certificate.

c) The holder of a Rank-III project management practicing certificate is entitled to work as a project manager in charge of group C projects and projects that only require economic - technical reports corresponding to the project types specified in the practicing certificate.”.

14. Article 55 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 55. Application for construction practicing certificate**

1. An application for issuance of the construction practicing certificate for the first time or upgrade of the construction practicing certificate includes:

a) An application form provided in the Appendix I hereof, enclosed with the applicant’s 02 color 4 x 6 cm and white background pictures which are taken within the last 06 months;

b) Qualification(s) awarded by a legal training institution in accordance with the type or rank of the certificate applied for.

The qualification(s) awarded by a foreign training institution must consularly legalized and enclosed with notarized and certified Vietnamese translations as prescribed by Vietnam’s laws;

c) Practicing certificate issued by a competent authority, in the case of applying for upgrade of the practicing certificate.

d) Decisions on task assignment (responsibility assignment) issued by an organization to an individual or written confirmation of completed typical tasks provided by the legal representative of the investor. The person signing the written confirmation shall take responsibility for its truthfulness. In case the individual runs his/her own construction business, a contract and record on commissioning of listed typical tasks are required.

dd) Legal residence-related documents or work permit issued by a Vietnamese competent authority, applicable to foreigners.

e) Satisfactory test result in case the test is done before the date of submission of the application for the practicing certificate.

g) Documents specified in Points b, c, d and dd of this Clause must be certified true copies or included in a file that contains color photos of originals or copies presented together with the originals for comparison.

2. An application for reissuance of the practicing certificate includes:

a) An application form provided in the Appendix I hereof, enclosed with the applicant's 02 color 4 x 6 cm and white background pictures which are taken within the last 06 months;

b) A certified true copy or file that contains color photos of the original or copy of the issued practicing certificate, presented together with the original for comparison or a commitment form made by the applicant for reissuance in case of loss of the practicing certificate.

3. An application for adjustments or amendments to the practicing certificate includes:

a) An application form provided in the Appendix I hereof, enclosed with the applicant's 02 color 4 x 6 cm and white background pictures which are taken within the last 06 months;

b) Documents concerning adjustments or amendments prescribed in Clause 1 of this Article.

4. An application for conversion of the practicing certificate includes:

a) An application form provided in the Appendix III hereof, enclosed with the applicant's 02 color 4 x 6 cm and white background pictures which are taken within the last 06 months;

b) Copies of qualification(s) or practicing certificate(s) awarded by a foreign organization, consularly legalized and enclosed with notarized and certified Vietnamese translations as prescribed by Vietnam's laws;

c) Certified true copies or a file that contains color photos of originals or copies of legal residence documents or work permit issued by a Vietnamese competent authority, presented together with the originals for comparison.

5. The applicant shall pay charges for submission of the application for practicing certificate. Such charges shall be collected, transferred, managed and used in accordance with regulations of the Ministry of Finance.”.

15. Article 56 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 56. Test for issuance of construction practicing certificate**

1. The issuing authority shall organize a test for issuance of the construction practicing certificate.

2. The test shall be done on a monthly or ad hoc basis and decided by the head of the issuing authority.

3. A test consists of two parts: working experience and legal knowledge. The individual whose practicing certificate is issued as prescribed by the Law on Construction 2003 and remains effective shall be exempted from questions about professional knowledge related to the field specified in such practicing certificate.

4. The test result shall be retained for 06 months from the date on which the test is taken to form a basis for issuance of the practice certificate.

5. The issuing authority shall arrange a place for the test that must satisfy the infrastructure requirements. To be specific:

a) There must be a testing area, waiting area and area for providing test guidelines in the testing place.

b) The testing area must be provided with space for arranging tables, chairs and at least 10 computers.

- Computers must operate in a stable manner, be connected using LAN, connected to printers and Internet.

- The Internet bandwidth must be good enough to ensure continuous operation of computers during the test.

- Closed-circuit television cameras with a minimum resolution of 1280 x 720 (720P) must be installed in a manner that ensures the testing area is properly monitored and be capable of storing data for at least 30 days from the date on which the test is organized.

- There must be at least 01 set of loudspeakers to publicly announce information during the test.

- There must be at least 01 printer to print testing reports and 01 standby printer.

- Testing software shall be transferred by construction authorities affiliated to the Ministry of Construction and used nationwide.

6. The Ministry of Construction shall provide detailed guidelines for designing and updating questions, test fees and test organization.”.

16. Article 56a is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 56a. Council for issuance of the construction practicing certificate**

1. The head of the issuing authority shall establish a council for issuance of the construction practicing certificate.

2. The head of the issuing authority shall decide on organizational structure and number of members of the council.

3. A council for issuance of the construction practicing certificate established by a construction authority affiliated to the Ministry of Construction or Department of Construction shall be composed of:

- a) A council president who is a leader of the issuing authority;
- b) Standing members who are public officials and public employees of this authority;
- c) Members who are public officials and public employees whose major is relevant to the field covered by the practicing certificate applied for or experts whose expertise is relevant to the field covered by the practicing certificate applied for where necessary.

4. A council for issuance of the construction practicing certificate established by a socio-professional organization shall be composed of:

- a) A council president who is a leader of the socio-professional organizations;
- b) Members who are the ones of the socio-professional organizations.

5. Council members shall work part-time and in accordance with regulations promulgated by the council president.”.

17. Article 56b is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 56b. Procedures for issuance and revocation of construction practicing certificate**

1. Regarding issuance of the construction practicing certificate:

- a) The applicant shall submit an application form for issuance of the practicing certificate prescribed in Article 55 of this Decree, electronically or by post or in person, to the issuing authority.
- b) From the date on which the satisfactory application is received, the issuing authority shall issue the construction practicing certificate within 20 days in the case of issuance of the certificate for the first time, upgrade, adjustments or amendments to the certificate, within 10 days in the case of reissuance of the certificate, and within 25 days in the case of conversion of the certificate. In the case the application is unsatisfactory, the issuing authority shall notify the applicant in writing once within 05 days from the date on which the application is received.

2. Regarding revocation of the construction practicing certificate:

- a) Within 10 days from the date on which the inspection conclusion, including a proposal for revocation of the practicing certificate, is received or it is discovered or there are grounds to believe that the individual is mentioned in one of the cases specified in Clause 2 Article 44a of this Decree, the revoking authority shall issue a decision on revocation of the practicing certificate. In case of failure to revoke it, written explanation shall be provided to the organization or individual that makes the revocation proposal.

b) The revoking authority shall send the revocation decision to the individual and publish it on its website, provide information thereof to the Ministry of Construction for integration into its website within 05 days from the issuance date of the decision.

c) The individual whose construction practicing certificate is revoked shall return the original of such certificate to the authority that issues the revocation decision within 05 days from the receipt of the revocation decision.

d) In the cases where the practicing certificate is incorrect because of the issuing authority, the revoking authority shall reissue the practicing certificate within 05 days from the receipt of the revoked practicing certificate.

dd) In case the individual whose practicing certificate must be revoked fails to return the practicing certificate as prescribed, the competent authority that issues the revocation decision shall send him/her a decision to pronounce cancellation of the practicing certificate and publish it on its website and provide information thereof to the Ministry of Construction for integration into its website.”.

18. Article 56c is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 56c. Recognition of socio-professional organizations eligible to issue construction practicing certificates**

1. A socio-professional organization will be certified eligible to issue construction practicing certificates if it:

- a) has its field related to construction activities and operates nationwide;
- b) has been allowed to be established and had its charter approved by a competent authority;
- c) sufficiently provides infrastructure serving tests.

2. An application for certification of eligibility to issue practicing certificates includes:

- a) An application form provided in the Appendix IV of this Decree;
- b) Certified true copies or a file that contains color photos of originals or copies of the written permission for establishment and written approval for the charter granted by a competent authority, presented together with the originals for comparison.
- c) A list of infrastructure serving tests.

3. Procedures for certification of eligibility to issue practicing certificates:

- a) The socio-professional organization shall submit an application prescribed in Clause 2 of this Article, by post or in person, to the Ministry of Construction.

b) Within 20 days from the receipt of the satisfactory application, the Ministry of Construction shall consider issuing a decision to certify the socio-professional organization eligible to issue practicing certificates. Such decision shall be sent to the socio-professional organizations and published on the website of the Ministry of Construction within 05 days from the issuance date of the decision.”.

19. Article 56d is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 56c. Revocation of the decision to certify socio-professional organization eligible to issue construction practicing certificates**

1. A socio-professional organization shall have its decision on certification of eligibility to issue practicing certificates revoked in one of the following cases:

a) It no longer satisfies one of the conditions specified in Clause Article 56c of this Decree;

c) The practicing certificate is issued to the field beyond the scope of certification.

c) The practice certificate is issued ultra vires.

d) The practice certificate is issued to individuals that fail to meet eligibility requirements as prescribed.

2. The Ministry of Construction shall revoke the decision to certify the socio-professional organizations eligible to issue practicing certificates when it is discovered that or there are grounds to believe that the socio-professional organization is mentioned in one of the cases specified in Clause 1 of this Article. The revocation of the decision to certify a socio-professional organization eligible to issue practicing certificates shall be considered and decided within 15 days from the date on which there are sufficient grounds for the revocation. The revocation decision shall be sent to the socio-professional organization and published on the website of the Ministry of Construction.”.

20. Clause 19 Article 1 of the Decree No. 42/2017/ND-CP is amended as follows:

**“Article 57. Eligibility requirements for construction activities**

1. Each organization engaging in construction activities in the following fields must meet eligibility requirements:

a) Construction survey, including: Topographical survey; geological survey.

b) Planning formulation.

c) Construction design and construction design appraisal: Architectural design; civil - industrial structure design; mechanical - electrical design; water supply – drainage design; transport

engineering design; agricultural and rural development engineering design; infrastructural engineering design.

d) Construction project management.

dd) Construction execution.

e) Construction supervision.

g) Construction inspection.

h) Construction cost management.

2. Each organization involved in construction activities in the fields specified in Points a - e Clause 1 of this Article must obtain a certificate of eligibility for construction activities (hereinafter referred to as “the eligibility certificate”).

3. The organization engaging in the construction activities specified in Clause 1 of this Article must be an enterprise that is prescribed by the Law on Enterprises or an organization that is licensed to carry out construction activities and established as prescribed by law and must meet the requirements applied to each field as prescribed in this Decree.

4. The eligibility certificate is valid for up to 10 years.

5. The forms and contents of the eligibility certificate are provided in the Appendix IX of this Decree.

6. The eligibility certificate is managed using the certificate code, including 02 groups of code joined together by a hyphen (-) as follows:

a) First group includes up to 03 characters representing the place of issue as prescribed in Appendix VII hereof.

b) Second group indicates the eligibility certificate code.

7. The Ministry of Construction shall uniformly manage the issuance and revocation of the eligibility certificate, and issuance of the eligibility certificate code; provide guidelines for issuing the practice certificate; publish the list of organizations issued with the eligibility certificate on its website; organize the online issuance of the eligibility certificate.”.

21. Article 58 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 58. Issuance and revocation of certificate of eligibility for construction activities**

1. A certificate of eligibility for construction activities is issued to:

- a) Any organization applying for the eligibility certificate for the first time or adjusting its eligibility certificate rank;
- b) Any organization applying for adjustments or amendments to its eligibility certificate; or
- c) Any organization applying for reissuance of the eligibility certificate in case the old certificate is lost or damaged or expired.

2. The eligibility certificate shall be revoked in one of the following cases:

- a) The organization issued with the eligibility certificate shuts down its construction activities, dissolves or goes bankrupt;
- b) The organization no longer satisfies all eligibility requirements for construction activities as prescribed;
- c) The application for the issuance or reissuance of the eligibility certificate contains counterfeit documents;
- d) The organization allows another organization or individual to use its eligibility certificate;
- dd) Contents of the eligibility certificate are corrected, erased or falsified;
- e) The eligibility certificate is issued ultra vires;
- g) The eligibility certificate is incorrect because of the issuing authority;
- h) The eligibility certificate is issued in the organization fails to meet all eligibility requirements.

3. The organization whose eligibility certificate is revoked in the cases specified in Points c, d and dd Clause 2 of this Article is entitled to apply for issuance of the eligibility certificate 12 months after the date on which the decision on eligibility certificate revocation is issued. Procedures for issuance of the eligibility certificate are the same as those specified in Point a Clause 1 of this Article.

The organization whose eligibility certificate is revoked in the cases specified in Point g Clause 2 of this Article shall be reissued with the eligibility certificate in accordance with the procedures specified in Clause 2 Article 58d of this Decree.”.

22. Article 58a is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 58a. The power to issue or revoke certificate of eligibility for construction activities:**

1. The power to issue the eligibility certificate:

a) Construction authorities affiliated to the Ministry of Construction shall issue Rank-I eligibility certificates;

b) Departments of Construction shall issue Rank-II and Rank-III eligibility certificates.

2. Authorities that have the power to issue eligibility certificates are the ones that have the power to revoke the eligibility certificates that they issued.”.

23. Article 58b is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 58b. Application for certificate of eligibility for construction activities**

1. An application for issuance of the eligibility certificate for the first time or adjustments to the eligibility certificate rank includes:

a) An application form provided in the Appendix V of this Decree;

b) An establishment decision (if any);

c) A decision on recognition of construction laboratory of the organization or principal contract on cooperation in carrying out testing to serve construction with the recognized construction laboratory (applicable to the applicant for the certificate of eligibility for construction survey);

d) A practicing certificate or declaration of the practicing certificate code in case the practicing certificate is issued as prescribed by the Law on Construction 2014, applicable to the titles that require the practicing certificate; qualifications of individuals in charge;

dd) Eligibility certificate issued by a competent authority, in the case of applying for adjustments to the eligibility certificate rank;

e) Qualification or certificate of completion of professional training program of technical workers (regarding the applicant for the certificate of eligibility for construction);

g) Contract and record on commissioning of completed typical tasks;

h) Documents specified in Points b, c, d, dd, e and g of this Clause must be certified true copies or included in a file that contains color photos of originals or copies presented together with the originals for comparison.

2. An application for reissuance of the eligibility certificate includes:

a) An application form provided in the Appendix V of this Decree;

b) A certified true copy or file that contains color photos of the original or copy of the issued eligibility certificate, presented together with the original for comparison or a commitment form made by the applicant for reissuance in case of loss of the eligibility certificate.

3. An application for adjustments or amendments to the eligibility certificate includes:

- a) An application form provided in the Appendix V of this Decree;
- b) Documents concerning adjustments or amendments prescribed in Clause 1 of this Article.

4. The applicant shall pay charges for submission of the application for eligibility certificate. Such charges shall be collected, transferred, managed and used in accordance with regulations of the Ministry of Finance.”.

24. Article 58c is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 58a. Council for issuance of the certificate of eligibility for construction activities**

1. The head of the issuing authority shall establish a council for issuance of the certificate of eligibility for construction activities.

2. The head of the issuing authority shall decide on organizational structure and number of members of the council.

3. A council for issuance of the certificate of eligibility for construction activities shall be composed of:

- a) A council president who is a leader of the issuing authority;
- b) Standing members who are public officials and public employees of this authority;
- c) Members who are public officials and public employees whose major is relevant to the field covered by the eligibility certificate applied for or experts whose expertise is relevant to the field covered by the eligibility certificate applied for where necessary.

4. Council members shall work part-time and in accordance with regulations promulgated by the council president.”.

25. Article 58d is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 58d. Procedures for issuance and revocation of certificate of eligibility for construction activities**

1. Regarding issuance of the eligibility certificate:

- a) The applicant shall submit an application form for issuance of the eligibility certificate prescribed in Article 58b of this Decree, electronically or by post or in person, to the issuing authority.

b) From the date on which the satisfactory is received, the issuing authority shall issue the eligibility certificate within 20 days in the case of issuance of the certificate for the first time, adjustments to the rank of, adjustments or amendments to the eligibility certificate, and within 10 days in the case of reissuance of the eligibility certificate. In the case the application is unsatisfactory, the issuing authority shall notify the applicant in writing once within 05 days from the date on which the application is received.

## 2. Regarding revocation of the eligibility certificate:

a) Within 10 days from the date on which the inspection conclusion, including a proposal for revocation of the practicing certificate, is received or it is discovered or there are grounds to believe that the organization is mentioned in one of the cases specified in Clause 2 Article 58 of this Decree, the revoking authority shall issue a decision on revocation of the eligibility certificate. In case of failure to revoke it, written explanation shall be provided to the organization or individual that makes the revocation proposal.

b) The revoking authority shall send the revocation decision to the individual and publish it on its website, and provide information thereof to the Ministry of Construction for integration into its website within 05 days from the issuance date of the decision.

c) The organization whose eligibility certificate is revoked shall return the original of such certificate to the authority that issues the revocation decision within 05 days from the receipt of the revocation decision.

d) In the cases where the eligibility certificate is incorrect because of the issuing authority, the revoking authority shall reissue the eligibility certificate within 05 days from the receipt of the revoked eligibility certificate.

dd) In case the organization whose eligibility certificate must be revoked fails to return the eligibility certificate as prescribed, the competent authority that issues the revocation decision shall send him/her a decision to pronounce cancellation of the eligibility certificate and publish it on its website and provide information thereof to the Ministry of Construction for integration into its website.”.

26. Article 59 of the Decree No. 59/2015/ND-CP is amended as follows:

### **“Article 59. Eligibility requirements to be satisfied by organizations responsible for construction survey**

1. Each organization responsible for construction survey must satisfy eligibility requirements specified in Clauses 2 and 3 of this Article.

#### 2. General eligibility requirements:

a) The organization responsible for construction survey must have laboratories or sign a written agreement or principal contract on cooperation in carrying out testing with the recognized laboratory serving construction survey;

b) The organization responsible for construction survey must have machinery and equipment or be capable of providing machinery and equipment for survey related to the field that is covered by the eligibility certificate applied for.

### 3. Eligibility requirements for ranks of an eligibility certificate:

#### a) Rank I:

- The individual working as a president in charge of carrying out survey shall obtain a Rank-I construction survey practicing certificate relevant to the field that is covered by the eligibility certificate applied for;

- The individual participating in carrying out survey shall have his/her expertise relevant to the type of construction survey that is covered by the eligibility certificate applied for;

- The organization has carried out construction survey of at least 01 group A project or higher or 02 group B projects or higher or 01 Class I work or higher or 02 Class II works or higher with the same type of survey.

#### b) Rank II:

- The individual working as a president in charge of carrying out survey shall obtain a Rank-II construction survey practicing certificate or higher relevant to the field that is covered by the eligibility certificate applied for;

- The individual participating in carrying out survey shall have his/her expertise relevant to the type of construction survey that is covered by the eligibility certificate applied for;

- The organization has carried out construction survey of at least 01 group B project or higher or 02 group C projects or higher or 03 projects that require economic - technical reports or 01 Class II work or higher or 02 Class III works or higher with the same type of survey.

#### c) Rank III:

- The individual working as a president in charge of carrying out survey shall obtain a Rank-III construction survey practicing certificate or higher relevant to the field that is covered by the eligibility certificate applied for;

- The individual participating in carrying out survey shall have his/her expertise relevant to the type of construction survey that is covered by the eligibility certificate applied for.

### 4. Scope of operation:

a) Rank I: the organization is entitled to carry out construction survey of all projects and work classifications as mentioned in the eligibility certificate.

b) Rank II: the organization is entitled to carry out construction survey of group B projects or higher and class II works or below as mentioned in the eligibility certificate.

c) Rank-III: the organization is entitled to carry out construction survey of group C projects, projects that require economic - technical reports and Class III works or below as mentioned in the eligibility certificate.”.

27. Article 60 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 60. Eligibility requirements to be satisfied by organizations responsible for construction planning formulation**

1. Each organization responsible for construction planning formulation must satisfy eligibility requirements corresponding to eligibility ranks as follows:

a) Rank I:

- The individual working as a president in charge of planning projects or chairperson in charge of architecture - planning disciplines, urban economics and other infrastructure disciplines of a planning project shall obtain a Rank-I practicing certificate relevant to his/her specialized field;

- The organization responsible for construction planning formulation has formulated at least 01 construction planning project that has been approved by the Prime Minister or 02 construction planning projects (including at least 01 inter-district, district or general construction planning project) that have been approved by the People’s Committee of the province.

b) Rank II:

- The individual working as a president in charge of planning projects or chairperson in charge of architecture - planning disciplines, urban economics and other infrastructure disciplines of a planning project shall obtain a Rank-II practicing certificate or higher relevant to his/her specialized field;

- The organization responsible for construction planning formulation has formulated at least 01 construction planning project that has been approved by the People's Committee of the province or 02 construction planning projects that have been approved by the People’s Committee of the district.

c) Rank III:

The individual working as a president in charge of planning projects or chairperson in charge of architecture - planning disciplines, urban economics and other infrastructure disciplines of a

planning project shall obtain a Rank-III practicing certificate or higher relevant to his/her specialized field.

2. Scope of operation:

- a) Rank I: The organization is entitled to formulate all construction planning projects.
- b) Rank II: the organization is entitled to formulate the construction planning projects subject to approval of the People Committee's of the province and the People's Committee of the district.
- c) Rank III: the organization is entitled to formulate the construction planning projects subject to approval of the People's Committee of the district.”.

28. Article 61 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 61. Eligibility requirements to be satisfied by organizations responsible for construction design**

1. Each organization responsible for construction design must satisfy eligibility requirements corresponding to eligibility ranks as follows:

a) Rank I:

- The individual working as a president in charge of construction design or chairperson in charge of design-related disciplines shall obtain a Rank-I practicing certificate relevant to his/her specialized field;
- The individual involved in construction design shall have his/her expertise relevant to the field and work type that are covered by the eligibility certificate applied for.
- The organization has designed or appraised the design of at least 01 Class I work or higher or 02 Class II works or higher of the same type.

b) Rank II:

- The individual working as a president in charge of construction design or chairperson in charge of design-related disciplines shall obtain a Rank-II practicing certificate relevant to his/her specialized field;
- The individual involved in construction design shall have his/her expertise relevant to the field and work type that are covered by the eligibility certificate applied for;
- The organization has designed or appraised the design of at least 01 Class II work or higher or 02 Class III works or higher of the same type.

c) Rank III:

- The individual working as a president in charge of construction design or chairperson in charge of design-related disciplines shall obtain a Rank-III practicing certificate relevant to his/her specialized field;

- The individual involved in construction design shall have his/her expertise relevant to the field and work type that are covered by the eligibility certificate applied for.

## 2. Scope of operation:

a) Rank I: the organization is entitled to design and appraise construction design of all works of the same type.

b) Rank II: the organization is entitled to design and appraise construction design of Class II works or below of the same type.

c) Rank III: the organization is entitled to design and appraise construction design of Class III works or below of the same type.

29. Article 62 of the Decree No. 59/2015/ND-CP is repealed.

30. Article 63 of the Decree No. 59/2015/ND-CP is amended as follows:

### **“Article 63. Eligibility requirements to be satisfied by project management consultancy**

1. Each project management consultancy must satisfy eligibility requirements corresponding to eligibility ranks as follows:

#### a) Rank I:

- The individual working as a project manager shall obtain a Rank-I project management practicing certificate relevant to the project type that is covered by the eligibility certificate applied for;

- The individual in charge of specialized fields shall obtain a Rank-I practicing certificate relevant to his/her tasks;

- The individual involved in project management shall have his/her expertise relevant to his/her tasks and project type that is covered by the eligibility certificate applied for;

- The project management consultancy has managed at least 01 group A project or 02 group B projects or higher of the same type.

#### b) Rank II:

- The individual working as a project manager shall obtain a Rank-II project management practicing certificate relevant to the project type that is covered by the eligibility certificate applied for;
- The individual in charge of specialized fields shall obtain a Rank-II practicing certificate or higher relevant to his/her tasks;
- The individual involved in project management shall have his/her expertise relevant to his/her tasks and project type that is covered by the eligibility certificate applied of;
- The project management consultancy has managed at least 01 group B project or higher or 02 group C projects or higher of the same type.

c) Rank III:

- The individual working as a project manager shall obtain a Rank-III project management practicing certificate or higher relevant to the project type that is covered by the eligibility certificate applied for;
- The individual in charge of specialized fields shall obtain a Rank-III practicing certificate or higher relevant to his/her tasks;
- The individual involved in project management shall have his/her expertise relevant to his/her tasks and project type that is covered by the eligibility certificate applied for.

2. Scope of operation:

- a) Rank I: The consultancy is entitled to formulate manage projects of the same type.
- b) Rank II: the consultancy is entitled to manage group B projects or below of the same type;
- c) Rank-III: the consultancy is entitled to manage group C projects and projects that only require economic - technical reports.”.

31. Article 64 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 64. Eligibility requirements to be satisfied by construction project management board**

- 1. Each project manager shall satisfy all eligibility requirements specified in Clause 2 Article 54 of this Decree;
- 2. The individual in charge of specialized fields shall obtain a practicing certificate relevant to the project scope, work classification and his/her tasks.”.

32. Article 65 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 65. Eligibility requirements to be satisfied by organizations responsible for construction execution**

1. Each organization responsible for construction execution must satisfy eligibility requirements corresponding to eligibility ranks as follows:

a) Rank I:

- The individual working as a site manager shall satisfy requirements applied to a Rank I site manager, relevant to his/her specialized field;
- The individual in charge of execution of a specialized field shall obtain a bachelor's degree or Level 5 of VQF Advanced Diploma relevant to his/her tasks, and has a work duration of at least 03 years and 05 years with respect to the holder of the bachelor's degree and Level 5 of VQF Advanced Diploma respectively;
- Technical workers shall obtain a qualification or certificate of completion of professional training program relevant to requirements of the eligibility certificate;
- The organization shall be capable of providing sufficient machinery and equipment meeting construction execution requirements that match its tasks;
- The organization has directly executed tasks of a permanent work item relevant to the requirements of the certificate of at least 01 Class I work or higher or 02 Class II works or higher of the same type.

b) Rank II:

- The individual working as a site manager shall satisfy requirements applied to a Rank-II or higher site manager relevant to his/her specialized field;
- The individual in charge of execution of a specialized field shall obtain a bachelor's degree or Level 5 of VQF Advanced Diploma relevant to his/her tasks, and has a work duration of at least 01 year and 03 years with respect to the holder of the bachelor's degree and Level 5 of VQF Advanced Diploma respectively;
- Technical workers shall obtain a qualification or certificate of completion of professional training program relevant to requirements of the eligibility certificate;
- The organization shall be capable of providing sufficient machinery and equipment meeting construction execution requirements that match its tasks;
- The organization has directly executed tasks of a permanent work item relevant to the requirements of the certificate of at least 01 Class II work or higher or 02 Class III works or higher of the same type.

c) Rank III:

- The individual working as a site manager shall satisfy requirements applied to a Rank III or higher site manager relevant to his/her specialized field;
- The individual in charge of a specialized field shall obtain a bachelor's degree or Level 5 of VQF Advanced Diploma relevant to his/her tasks;
- Technical workers shall obtain a qualification or certificate of completion of professional training program relevant to requirements of the eligibility certificate;
- The organization shall be capable of providing sufficient machinery and equipment meeting construction execution requirements that match its tasks.

2. Scope of operation:

- a) Rank I: the organization is entitled to execute construction of all works of the same type;
- b) Rank II: the organization is entitled to execute construction of Class II works or below of the same type;
- c) Rank III: the organization is entitled to execute construction of Class III works or below of the same type.”.

33. Clause 20 Article 1 of the Decree No. 42/2017/ND-CP is amended as follows:

**“Article 66. Eligibility requirements to be satisfied by organization responsible for construction supervision**

1. Each organization responsible for construction supervision must satisfy eligibility requirements corresponding to eligibility ranks as follows:

a) Rank I:

- The individual working as a chief supervisor shall obtain a Rank-I construction supervision practicing certificate or a supervisor shall obtain a construction supervision practicing certificate relevant to the work type that is covered by the eligibility certificate applied for;
- The organization has supervised construction of at least a 01 Class I work or higher or 02 Class II works or higher of the same type covered by the eligibility certificate applied for.

b) Rank II:

- The individual working as a chief supervisor shall obtain a Rank-II or higher construction supervision practicing certificate or a supervisor shall obtain a construction supervision

practicing certificate relevant to the work type that is covered by the eligibility certificate applied for;

- The organization has supervised construction of at least a 01 Class II work or higher or 02 Class III works or higher of the same type covered by the eligibility certificate applied for.

c) Rank III: The individual working as a chief supervisor shall obtain a Rank-III or higher construction supervision practicing certificate or a supervisor shall obtain a construction supervision practicing certificate relevant to the work type that is covered by the eligibility certificate applied for.

## 2. Scope of operation:

a) Rank I: the organization is entitled to supervise construction of all works of the same type specified in the eligibility certificate;

b) Rank II: the organization is entitled to supervise construction of Class II works or below of the same type specified in the eligibility certificate;

c) Rank II: the organization is entitled to supervise construction of Class III works or below of the same type specified in the eligibility certificate;

34. Clause 21 Article 1 of the Decree No. 42/2017/ND-CP is amended as follows:

### **“Article 66a. Eligibility requirements to be satisfied by organizations responsible for construction inspection**

1. Any organization engaging in inspecting quality, identifying causes of damage, service life of parts of works or constructions works and carrying out inspections to identify causes of construction incidents shall satisfy the eligibility requirements corresponding to eligibility ranks as follows:

#### a) Rank I:

- The individual working as a chairperson in charge of construction inspection shall satisfy appropriate Rank-I eligibility requirements for construction inspection practicing;

- The individual working as a chairperson in charge of construction inspection shall have his/her expertise relevant to construction inspection;

- The organization has inspected construction of at least 01 Class I work or higher or 02 Class II works or higher of the same type.

#### b) Rank II:

- The individual working as a chairperson in charge of construction inspection shall satisfy appropriate Rank-II or higher eligibility requirements for construction inspection practicing;
- The individual working as a chairperson in charge of construction inspection shall have his/her expertise relevant to construction inspection;
- The organization has inspected construction of at least 01 Class II work or higher or 02 Class III works or higher of the same type.

c) Rank III:

- The individual working as a chairperson in charge of construction inspection shall satisfy appropriate Rank-III eligibility requirements for construction inspection practicing;
- The individual working as a chairperson in charge of construction inspection shall have his/her expertise relevant to construction inspection;

2. Scope of operation:

- a) Rank I: the organization is entitled to inspect construction of all works of the same type;
- b) Rank II: the organization is entitled to inspect construction of Class II works or below of the same type;
- c) Rank III: the organization is entitled to inspect construction of Class III works or below of the same type.

3. Any organization engaging in inspecting quality of construction materials, components and products shall satisfy the following requirements:

- a) Construction laboratories must be used with the tests recognized by a competent authority in conformity with the inspected items;
- b) The inspector's expertise must be conformable with the construction inspection.”.

35. Article 67 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 67. Eligibility requirements to be satisfied by organizations responsible for construction cost management**

1. Each organization responsible for construction cost management must satisfy eligibility requirements corresponding to eligibility ranks as follows:

a) Rank I:

- The individual working as a chairperson in charge of construction cost management shall obtain a Rank-I construction valuation practicing certificate;
- The individual involved in construction cost management shall have his/her expertise relevant to the construction cost management;
- The organization has managed the cost of execution of at least 01 group A project or higher or 02 group B projects or higher.

b) Rank II:

- The individual working as a chairperson in charge of construction cost management shall obtain a Rank-II or higher construction valuation practicing certificate;
- The individual involved in construction cost management shall have his/her expertise relevant to the construction cost management;
- The organization has managed the cost of execution of at least 01 group B project or higher or 02 group C projects or higher or at least 03 projects that require economic - technical reports.

c) Rank III:

- The individual working as a chairperson in charge of construction cost management shall obtain a Rank-III or higher construction valuation practicing certificate;
- The individual involved in construction cost management shall have his/her expertise relevant to the construction cost management;

2. Scope of operation:

- a) Rank I: the organization is entitled to perform the tasks related to management of cost of execution of all projects.
- b) Rank II: the organization is entitled to perform the tasks related to management of cost of execution of group B projects or below.
- c) Rank-III: the organization is entitled to perform the tasks related to the management of cost of execution of group C projects and projects that only require economic - technical reports.”.

36. Article 68 of the Decree No. 59/2015/ND-CP is repealed.

37. Article 69 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 69. Posting information about organizations and individuals’ eligibility for construction activities**

1. The information about organizations and individuals' eligibility for construction activities issued with the certificate shall be posted on the website under the management of the issuing authority, and integrated into the website of the Ministry of Construction.

2. Procedures for posting information about eligibility for construction activities:

The issuing authority shall post information about organizations and individuals' eligibility for construction activities on the website under its management, and provide information thereof to a construction authority affiliated to the Ministry of Construction for integration into its website.

Information about eligibility for construction activities shall be posted within 05 days from the issuance date of the certificate. Information shall be integrated into the website of the Ministry of Construction within 03 days from the receipt of information from the issuing authority.”.

38. Article 71 of the Decree No. 59/2015/ND-CP is amended as follows:

**“Article 71. Requirements for eligibility to be granted construction license**

1. A foreign contractor will be granted the construction license if it:

- a) has been awarded the contract by the investor;
- b) is eligible to execute the contract as prescribed by the law on construction.

2. The foreign contractor must set up a joint venture with a Vietnamese contractor or employ Vietnamese sub-contractors, unless the Vietnamese contractor is ineligible to execute any tasks of the contract package. Upon the joint venture or employment of Vietnamese contractors, it is required to clarify contents, quantity and value of tasks performed by Vietnamese contractors in the joint venture or Vietnamese sub-contractors.

3. The foreign contractor must be committed to comply with relevant regulations of Vietnam's law on contract execution in Vietnam.”.

39. Article 73a is added to the Decree No. 59/2015/ND-CP as follows:

**“Article 73a. Revocation of construction license**

1. A foreign contractor shall have its construction license revoked in one of the following cases:

- a) It fails to take remedial actions against violations after the regulatory authority requests it in writing to take remedial actions more than once.
- b) It has incurred administrative penalties for the tasks covered by the granted construction license for the second time.

2. If it is discovered or there are grounds to believe that the foreign contractor commits one of the violations specified in Clause 1 of this Article, the issuing authority shall revoke the construction license that it issued.

The revocation of the construction license shall be considered and decided within 15 days from the date on which there are sufficient grounds for the revocation. The issuing authority shall send the decision on revocation of the construction license to the foreign contractor and posted on its website, and provide information thereof to the Ministry of Construction for integration into its website.”.

40. Clause 22 Article 1 of the Decree No. 42/2017/ND-CP is amended as follows:

**“Article 74. Rights and obligations of foreign contractors**

1. A foreign contractor has the rights to:

- a) request competent authorities to provide guidelines for preparing application for issuance of the construction license and other issues concerning the contractor as prescribed in this Decree;
- b) make denunciations or complaints against violations committed by organizations or individuals prescribed in this Decree;
- c) have its lawful business interests in Vietnam protected according to the granted construction license;

2. A foreign contractor has the obligations to:

- a) establish an executive office in the area where the project is executed after obtaining the construction license; register address, telephone, fax, email, seal, account and tax identification number of the executive office. Regarding the contract on planning formulation, construction project formulation, construction survey or construction design, the foreign contractor may establish an executive office in the area where the investor’s head office is located. Regarding the contract on construction and supervision construction of the work that goes through multiple provinces, the foreign contractor may establish an executive office in an area which the work goes through;
- b) register or cancel specimen of the seal or return the seal after a contract is terminated as prescribed by law. The foreign contractor shall only use this seal for executing contracts in Vietnam as prescribed in its construction license;
- c) Register and pay taxes as prescribed by Vietnam’s law, comply with accounting regulations, open accounts and make payments under the guidance of the Ministry of Finance and the State Bank of Vietnam to serve its business under the contract;

- d) Recruit employees and employ Vietnamese and foreign employees as prescribed by Vietnam's law on labor. Only economic management experts, technical management experts and skilled labors that Vietnam is unable to provide are sent to Vietnam;
- dd) follow procedures for import and export of materials, machinery and equipment related to the contract agreement in Vietnam as prescribe by Vietnam's law;
- e) execute the joint-venture contract signed with the Vietnamese contractor or employ Vietnamese sub-contractors mentioned in the application for issuance of the construction license;
- g) buy insurance as prescribed by Vietnam's law in respect of operation of the contractor, including: professional liability insurance for construction consultancy contractors; cargo insurance regarding procurement contractors; insurance for construction contractors and other insurance policies prescribed by Vietnam's law;
- h) register and inspect quality of imported materials and equipment provided under the contract agreement;
- i) register and inspect safety of construction equipment and vehicles related to business activities of the foreign contractor as prescribed by Vietnam's law;
- k) comply with regulations on standards, criteria, construction quality control, occupational safety and environmental protection as well as other relevant regulations of Vietnamese law;
- l) comply with reporting regulations specified in its construction license;
- m) When the work is completed, the foreign contractor must prepare as-built documents; take responsibility for warranty; make statement of exported materials and equipment; handle remaining materials and equipment in the construction contract in accordance with regulations of law on import and export; re-export materials and construction equipment registered in accordance with regulations on temporary import – re-export; complete the contract; concurrently, notify relevant regulatory agencies of the contract completion, shutdown of the executive office.”.

**Article 2. Amendments to some Articles of the Government's Decree No. 79/2016/ND-CP dated July 01, 2016 on conditions for provision of services related to professional training in management of apartment buildings, and real estate brokerage practicing and real estate transaction management**

1. Article 3 is amended as follows:

**“Article 3. Conditions for provision of services related to professional training in management and operation of apartment buildings**

A provider of services related to professional training in management and operation of apartment buildings shall meet the following conditions:

1. There must be training textbooks or documents that are relevant to the training program framework promulgated by the Ministry of Construction.

2. It must be certified eligible to provide professional training in management and operation of apartment buildings by the Ministry of Construction or an authority authorized by the Ministry of Construction.”.

2. Article 3a is added as follows:

**“Article 3a. Application and procedures for certification of training institution’s eligibility for provision of professional training in management and operation of apartment buildings**

1. An application for certification of training institution’s eligibility for provision of professional training in management and operation of apartment buildings includes:

a) An application form provided in the Appendix X of this Decree.

b) Training textbooks or documents that are relevant to the training program framework promulgated by the Ministry of Construction, and enclosed with at least 03 tests.

2. Procedures for certifying a training institution eligible to provide professional training in management and operation of apartment buildings:

a) The applicant shall submit an application prescribed in Clause 1 of this Article, by post or in person, to the Ministry of Construction;

b) Within 15 days from the receipt of the satisfactory application, the Ministry of Construction shall consider issuing a decision to certify the training institution eligible to provide professional training in management and operation of apartment buildings. Such decision shall be sent to the training institution and publicly posted on the website of the Ministry of Construction within 05 days from the issuance date of the decision.”.

3. Article 4 is amended as follows:

**“Article 4. Conditions for provision of services related to professional training in real estate brokerage practicing and real estate transaction management**

Providers of services related to professional training in real estate brokerage practicing and real estate transaction management shall have training textbooks or documents that are relevant to the training program framework promulgated by the Ministry of Construction”.

4. Clause 1 of Article 5 is repealed.

**Article 3. Repealing the following regulations:**

1. Article 22 of the Government’s Decree No. 79/2009/ND-CP dated December 05, 2009.

2. Article 19 of the Government's Decree No. 64/2010/ND-CP dated June 11, 2010.
3. Article 27 and Article 34 of the Government's Decree No. 24a/2016/ND-CP dated April 05, 2016.
4. Article 16 of the Government's Decree No. 11/2013/ND-CP dated January 14, 2013.

#### **Article 4. Transition clause**

Transitional regulations with respect to some amendments to the Decree No. 59/2015/ND-CP and Decree No. 42/2017/ND-CP are as follows:

1. Any individual that has been granted a practicing certificate with definite term as prescribed by the Law on Construction 2003 shall keep using such certificate until its expiry. Each individual shall, according to the eligibility requirements for construction activities prescribed in this Decree, make a declaration and determine rank of the certificate enclosed with the effective practicing certificate on his/her own to form a basis for participation in construction activities (see Appendix VI hereof).
2. Any organization or individual that has been granted an eligibility certificate or practicing certificate as prescribed in the Decree No. 59/2015/ND-CP and Decree No. 42/2017/ND-CP shall keep using such certificate until its expiry. Amendments to the eligibility certificate or practicing certificate shall be made as prescribed in this Decree.
3. Any applicant that has submitted an application for issuance of the eligibility certificate or practicing certificate before the effective date of this Decree but has yet to be granted such certificate shall complete the application (if any) as prescribed in this Decree.

#### **Article 5. Effect**

This Decree comes into force from September 15, 2018.

#### **Article 6. Implementation**

1. Ministers, heads of ministerial agencies, heads of Governmental agencies, Presidents of People's Committees of provinces and central-affiliated cities, heads of political organizations, socio-political organizations and socio-professional organizations, and relevant organizations and individuals are responsible for the implementation of this Decree.
2. The Ministry of Construction shall take charge and cooperate with relevant ministries in providing guidance and organizing the implementation of this Decree./.

**ON THE BEHALF OF THE GOVERNMENT  
THE PRIME MINISTER**

**Nguyen Xuan Phuc**