

**THE GOVERNMENT**

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No. 79/2012/ND-CP

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, October 05, 2012*

## **DECISION**

### **ON ART PERFORMANCES, FASHION SHOWS, MODEL CONTESTS AND BEAUTY CONTESTS; THE CIRCULATION AND TRADE OF AUDIO AND VIDEO RECORDINGS OF ART PERFORMANCES**

*Pursuant to the Law on Government organization dated December 25, 2001;*

*Pursuant to the Law on the Promulgation of legal documents 2008;*

*At the proposal of the Minister of Culture, Sports and Tourism;*

*The Government promulgates a Decree on art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances,*

#### **Chapter 1.**

### **GENERAL PROVISIONS**

#### **Article 1. Scope of regulation and subjects of application**

1. This Decree prescribes the art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances in Vietnam or from Vietnam to abroad.
2. This Decree is applicable to Vietnamese organizations and individuals and foreign organizations and individuals engaged in the activities prescribed in Clause 1 this Article.

#### **Article 2. Interpretation of terms**

The terms in this Decree are construed as follows:

1. Art performances are shows, performances, and plays being presented to the public by performers
2. Performing arts include: traditional opera, circus, puppetry, “bài chòi” (a traditional Vietnamese card game combined with singing), plays, traditional musicals, mime, musicals, concerts, singing, dancing, verse chanting, comedy, variety shows, and other kinds of performing arts.
3. Fashion shows are activities aiming to present the fashion products to the public via fashion models.
4. Beauty contests are cultural activities aiming to select ethical women with well-proportioned body shapes, attractive faces, and knowledge of cultures and society by certain criteria for giving awards.
5. Model contest is an activity to select male or female models with attractive body shapes that satisfy the criteria set by the contest.

### **Article 3. The State's policies**

1. The State introduces the following policies:

- a) Encouraging Vietnamese organizations and individuals from all economic sectors to participate in art performances, fashion shows, model contest and beauty contests; the circulation and trade of audio and video recordings of art performances;
- b) Investing in the collection, study, preservation, and promotion of the value of traditional performing arts, selectively adopting the world's finest art;
- c) Supporting art performances in impoverished areas;
- d) Supporting, ordering the composition, arrangement, and performance of high-quality artistic works and artistic works serving children and teenagers;
- dd) Training and cultivating young artistic talents.

2. The Ministry of Culture, Sports and Tourism shall lead and cooperate with the Ministry of Planning and Investment, the Ministry of Finance, and relevant Ministries and sectors in implement the policies prescribed in Clause 1 this Article.

### **Article 4. The State management**

1. Formulating, promulgating, and organizing the implementation of legal policies, strategies, plannings, and plans for develop art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances.

2. Managing the scientific research, training and developing human resources for State management of art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances.

3. Managing the international cooperation in art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances

4. Issuing and revoking Licenses to participate in art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances in Vietnam or from Vietnam to abroad.

5. Organizing commendation for art performance, organizing professional art festivals and contests.

6. Inspecting, settling complaints and denunciations, and handling violations of art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances.

### **Article 5. State management agencies**

1. The Government shall unify the State management of art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances nationwide.

2. The Ministry of Culture, Sports and Tourism must assist the Government in the State management of art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances.

3. The Ministries, ministerial-level agencies, Governmental agencies must cooperate with the Ministry of Culture, Sports and Tourism in the State management of art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances.

4. People's Committees of central-affiliated cities and provinces (hereinafter referred to as provincial People's Committees) must perform the State management of local art performances, fashion shows, model and beauty contests; the circulation and trade of audio and video recordings of art performances within their localities and authority.

#### **Article 6. Prohibitions**

1. Violating Article 3 of the Regulation on cultural activities and the provision of public cultural services, promulgated together with the Government's Decree No. 103/2009/NĐ-CP dated November 06, 2009.

2. For organizations and individuals that participate in or hold art performances, fashion shows, model contests and beauty contests:

a) Changing the contents or adding moves inconsistent with the approved contents;

b) Advertising in a way that impersonate artists or art groups; advertising artists inconsistently with the licensed contents;

c) Using costumes or make-up in appropriate to the performance purpose, the content, and the traditional customs of Vietnam's culture.

d) Using sound recordings to replace the actual voice of performers or actual sound of musical instruments;

dd) Committing ill-mannered acts, or committing acts that negatively affect diplomatic relationships;

e) Holding performances for persons banned from performance by State management agencies in charge of culture, sports and tourism.

3. For organizations and individuals that circulate and trade audio and video recordings of art performances:

a) Adding or cutting pictures or sounds that change the contents of the audio and video recordings permitted to circulate;

b) Reproducing audio and video recordings banned from circulation or decided to be confiscated and destructed;

c) Reproducing audio and video recordings without the consent from the owner of their copyright.

4. Publicizing art works inappropriate to the traditional ethics and culture.

5. Violating the provisions on copyright and relevant rights

#### **Article 7. Responsibilities of organizations and individuals when participating in and holding art performances, fashion shows, model contests and beauty contests; the circulation and trade of audio and video recordings of art performances**

1. Responsibilities of owners of locations for holding art performances, fashion shows, model contests and beauty contests:

a) Not issuing more tickets than the number of seats or the capacity of the location in order to assure the quality of the art performances, fashion shows, model contests and beauty contests:

b) Ensuring that the performance sound does not exceed the limit of permissible noise;

c) Ensuring the security and order, explosion and fire safety as prescribed;

d) The regulation must be posted at the location;

dd) The art performances and fashion shows that last longer than 0:00 until 08.AM must be approved by local competent State management agencies;

e) Applying for the license as prescribed (except for the cases prescribed in Clause 1 Article 12 of this Decree).

2. Responsibilities of organizers of art performances, fashion shows, model contests and beauty contests:

a) Notifying the performance contents to local the Services of Culture, Sports and Tourism in writing before the date of performance at least 05 working days;

b) Complying with law provisions on copyright and relevant rights;

c) Complying with the issued license and relevant law provisions;

d) Complying with the host country's law when holding art performances, fashion shows, model contests and beauty contests overseas, and reporting the results with the licensing agency within 07 days after going back to Vietnam;

dd) Giving awards to wining individuals and collectives right after announcing the contest results.

3. Responsibilities of art performers, fashion models, and contestants of model contests and beauty contests:

a) Only rendering the songs and plays permitted to be publicized; presenting the collections and fashion designs consistently with the license;

b) For Vietnamese contestants in international beauty contests and model contests must comply with the regulations of the organizers and the host country's law.

4. Responsibilities of organizations and individuals that circulate and trade audio and video recordings of art performances:

a) Only reproducing audio and video recordings of which the contents have been approved in writing;

b) Only selling, renting audio and video recordings fixed with control labels.

5. Paying tax, fees and charges as prescribed by law.

## **Chapter 2.**

### **ART PERFORMANCES AND FASHION SHOWS**

#### **Article 8. Performers and organizers of art performances and fashion shows**

1. Organizers of art performances and fashion shows include:
  - a) Theatres, art groups, cultural houses, sports and culture centers;
  - b) Theatres and art groups belonging to the armed forces;
  - c) Enterprises licensed to hold art performances and fashion shows;
  - d) Associations of literature, art; art training institutions;
  - dd) Radio and television agencies;
  - e) Owners of locations and business households that hold art performances and fashion shows;
2. Performers of art performances and fashion shows
  - a) Vietnamese individuals;
  - b) Foreign individuals;
  - c) Vietnamese individuals residing overseas.

**Article 9. Authority and procedures for issuing licenses to perform in and to hold art performances and fashion shows**

1. Authority and procedures for issuing licenses to hold art performances and fashion shows in Vietnam:

a) Authority:

- The Department of Performing arts shall receive dossiers and issue licenses to hold art performances and fashion shows to the subjects prescribed in Point a, b, d and dd Clause 1 Article 8 of this Decree, that belong to central agencies;
- The Services of Culture, Sports and Tourism shall receive dossiers and issue licenses to hold art performances and fashion shows to the local subjects prescribed in Point a, c, d and dd Clause 1 Article 8 of this Decree;

b) Procedures:

The subjects prescribed in Clause 1 Article 8 of this Decree that apply for the license to hold art performances and fashion shows must send 01 dossier, directly or by post, to the Department of Performing arts or the Services of Culture, Sports and Tourism. The dossier comprises:

- 01 application for the license to hold art performances and fashion shows (form No. 01);
- 01 copy of the show contents, writers, directors, performers; the list of collections and sketch designs of fashion shows;
- 01 music sheet or script of the works performed for the first time;
- 01 authenticated copy of the Decision on permitting foreign organizations, foreign individuals, or Vietnamese individuals residing overseas to perform in art performances and fashion shows in Vietnam (for shows participated by foreign organizations, foreign individuals, or Vietnamese individuals residing overseas);
- 01 written consent from the provincial People's Committee where the performance is going to take place (for shows participated by foreign organizations);

- 01 authenticated copy of the Establishment Decision or Enterprise registration certificate of the enterprise licensed to do cultural and artistic activities.

2. Authority and procedures for licensing the subjects prescribed in Clause 1 Article 8 of this Decree to invite foreign organizations, foreign individuals, or Vietnamese individuals residing overseas to perform in art performances and fashion shows in Vietnam:

a) Authority:

- The Ministry of Culture, Sports and Tourism shall license the subjects belonging to central agencies to invite the foreign organizations and individuals prescribed in Point b Clause 2 Article 8 of this Decree to perform in art performances and fashion shows in Vietnam;

- Provincial People's Committees shall license the local subjects to invite the foreign organizations and individuals prescribed in Point b Clause 2 Article 8 of this Decree to perform in local art performances and fashion shows;

- The Department of Performing arts shall license the subjects prescribed in Clause 1 Article 8 of this Decree to invite the Vietnamese individuals residing overseas prescribed in Point c Clause 2 Article 8 of this Decree to perform in art performances and fashion shows in Vietnam.

b) Procedures:

The subjects prescribed in Clause 1 Article 8 of this Decree that invite foreign organizations, foreign individuals, and Vietnamese individuals residing overseas to perform in art performances and fashion shows in Vietnam must send 01 dossier, directly or by post, to the Department of Performing arts or the Services of Culture, Sports and Tourism. The dossier comprises:

- 01 application for the license to perform in art performances and fashion shows in Vietnam (form No. 02);

- 01 original or authenticated copy of the invitation or written agreement with the foreign organization (the Vietnamese translation certified by a translation company);

- 01 authenticated copy of the written remark from a diplomatic agency in the host country (for Vietnamese individuals residing overseas);

- 01 authenticated copy of the Establishment Decision or Enterprise registration certificate of the enterprise licensed to do cultural and artistic activities.

3. Authority and procedures for licensing Vietnamese organizations and individuals to perform in art performances and fashion shows overseas:

a) Authority:

- The Ministry of Culture, Sports and Tourism shall license the subjects prescribed in Point a, b, d, and dd Clause 1 Article 8 of this Decree, that belong to central agencies;

- Provincial People's Committees shall license the local subjects prescribed in Point a, c, d, and dd Clause 1 Article 8 of this Decree.

b) Procedures:

The subjects prescribed in Clause 1 Article 8 of this Decree that apply for the license to perform in art performances and fashion shows overseas must send 01 dossier, directly or by post, to the

Department of Performing arts or the Services of Culture, Sports and Tourism. The dossier comprises:

- 01 application for the license to perform in art performances and fashion shows overseas (form No. 03);
- 01 copy of the show contents, writers, directors, performers; the list of collections and sketches of fashion shows;
- 01 music sheet or script of the works performed for the first time;
- 01 original or authenticated copy of the invitation or written agreement with the foreign organization (the Vietnamese translation certified by a translation company);
- 01 authenticated copy of the Enterprise registration certificate of the enterprise licensed to do cultural and artistic activities.

#### **Article 10. Time limit for licensing and validity of licenses**

1. Time limit for appraising dossiers and issuing licenses:

- a) If the dossier is incomplete, the licensing agency must request the completion in writing within 03 working days as from receiving the dossier.
- b) Within 05 working days as from receiving the complete and valid dossier, the competent State agency must appraise the dossier and issue the license to hold the art performances and fashion shows in Vietnam or overseas. The refusal to license must be notified and explained in writing;
- c) When competent State management agencies wish to appraise of the art performances and fashion shows serving political purposes, the festivals and shows that collect money from selling tickets, and the shows serving other purposes, the organizations and individuals that apply for the licenses must facilitate the Art council appraising the program before the performance.

2. License validity

The license to hold art performances and fashion shows is valid nationwide, unless the performance locations are restricted in the license.

#### **Article 11. Art performances and fashion shows of foreign organizations and individuals operating lawfully in Vietnam**

- 1. The art performances and fashion shows held within their office building are exempted from licensing, but must comply with Point a Clause 2 Article 7 of this Decree.
- 2. The art performances and fashion shows held outside the office building or the residence must follow the procedures for issuing the license to hold art performances and fashion shows as prescribed in Clause 1 Article 9 of this Decree via the subjects prescribed in Clause 1 Article 8 of this Decree. Complying with Clause 2 Article 9 of this Decree when inviting foreign organizations and individuals or Vietnamese individuals residing overseas to perform in art performances and fashion shows in Vietnam.

#### **Article 12. Holding complimentary art performances and fashion shows**

- 1. Organizations and individuals holding shows performed by Vietnamese art groups and performers serving internal purposes or at lodging establishments, restaurants without selling

tickets and collect money are exempted from licensing, but must comply with relevant provisions in Article 7 and other provisions in this Decree.

2. The art performances and fashion shows participated by foreign individuals or Vietnamese individuals residing overseas must comply with Clause 2 Article 9 of this Decree.

### **Article 13. Art performances and fashion shows held by the armed forces**

1. The organizations belonging to the armed forces that hold art performances and fashion shows serving internal purposes and political purposes, the organizations and individuals belonging to the armed forces performing in art performances and fashion shows overseas; organizations and individuals belonging to foreign armed forces performing in art performances and fashion shows in Vietnam, must comply with the provisions of the Ministries in charge.

2. The art performances and fashion shows serving business purposes must comply with Clause 1 Article 9 of this Decree.

### **Article 14. Art performances and fashion shows held by radio and television agencies**

1. When holding art performances and fashion shows within the office building of the radio and television agencies for broadcasting, the heads of the radio and television agencies are responsible for the programs and exempted from applying for the license to hold art performances and fashion shows.

2. The art performances and fashion shows serving business purposes held outside the office building of the radio and television agencies must comply with Clause 1 and 2 Article 9 of this Decree.

### **Article 15. Public art performances**

1. The public art performances are exempted from licensing, but must comply with Article 6, and Clause 1, 2 and 3 Article 7 of this Decree, and the following provisions:

a) The organizers shall be responsible for the shows held in residential areas or for internal purposes aiming to serve political purposes or demand for art performances;

b) When holding shows outside the internal purpose, the purpose, range, contents, time, and location of performance must be notified in writing to the local Service of Culture, Sports and Tourism at least 05 working days before the date of performance.

2. When performing in another locality, public art groups must notify in writing the internal purpose, the purpose, range, contents, time, and location of performance, and the persons in charge to the local Service of Culture, Sports and Tourism at least 05 working days before the date of performance.

3. Public art groups that perform in art performances and fashion shows that sell tickets and collect money must comply with Clause 1 Article 9 of this Decree.

### **Article 16. Holding contests and art festivals**

The organization of contests and art festivals shall be prescribed by the Ministry of Culture, Sports and Tourism.

## **Chapter 3.**

### **BEAUTY CONTESTS AND MODEL CONTESTS**

### **Article 17. Organizers of beauty contests and model contests**

1. Vietnamese organizations licensed to do cultural and artistic activities.
2. Foreign organizations cooperating with Vietnamese organizations licensed to do cultural and artistic activities to hold contests in Vietnam.

### **Article 18. Name and quantity of beauty contests in Vietnam**

1. National beauty contests are named “Miss”.
2. For other beauty contests, the organizers must choose appropriate names depending on their purposes, meanings, and criteria.
3. Quantity of beauty contests every year:
  - a) No more than 02 national beauty contests in a year;
  - b) No more than 03 regional, sectoral beauty contests in a year;
  - c) No more than 01 provincial beauty contest in a year;
  - d) For international beauty contests held in Vietnam, the Ministry of Culture, Sports and Tourism shall consider and make decisions depending on the particular situation.

### **Article 19. Conditions for contestants in beauty contests and model contests in Vietnam**

1. For contestants in beauty contests:
  - a) Female Vietnamese citizens, at the age of 18 or older, of natural beauty;
  - b) Possess at least a high school diploma;
  - c) Have a clean police record, not liable to criminal prosecution;
  - d) Satisfy the criteria set by the organizers.
2. For contestants in model contests:
  - a) Male or female Vietnamese citizens, at the age of 18 or older;
  - b) Satisfy the conditions in Point b, c and d Clause 1 this Article.

### **Article 20. Authority to license beauty contests and model contests**

1. The Ministry of Culture, Sports and Tourism shall issue licenses to hold:
  - a) National beauty contests;
  - b) International model contests held in Vietnam;
  - c) International beauty contests held in Vietnam (after reporting obtaining the approval from the Prime Minister).
2. The Department of Performing arts shall issue licenses to hold:
  - a) National model contests;
  - b) Regional and sectoral beauty contests;
3. Provincial People’s Committees shall license local beauty contests and model contests.

### **Article 21. Authority to license beauty contests and model contests**

1. The organizations that apply for the license to hold beauty contests or model contests must send 01 dossier, directly or by post, to the Department of Performing arts or the Services of Culture, Sports and Tourism. The dossier comprises:

- a) 01 application for the license to hold a contest (form No. 04);
- b) 01 scheme for organizing the contest, specifying: The regulation on the contest the organizers and the jury;
- c) 01 written consent from the provincial People's Committees where the show takes place;
- d) 01 authenticated copy of the contract or written agreement between the Vietnamese organization and the foreign organization (the Vietnamese translation certified by a translation company) of the international beauty and model contests held in Vietnam.

2. Foreign organizations that hold international beauty contests and model contests in Vietnam must cooperate with Vietnamese organizations licensed to do cultural and artistic activities. The Vietnamese organizations shall submit the dossiers as prescribed in Clause 1 this Article.

3. Time limit for licensing:

Within 15 working days (for domestic beauty contests and model contests) and 30 working days (for international beauty contests and model contests in Vietnam) as from receiving the complete and valid dossier, the competent State agency must issue the license. The refusal to license must be notified and explained in writing.

## **Article 22. Conditions and procedures for issuing licenses to compete in international beauty contests and model contests**

1. Conditions for contestants:

- a) Having achieved a main title in a domestic beauty contest or model contest;
- b) A representative domestic organization licensed to do cultural and artistic activities applies for the license to compete in an international beauty contest or model contest.

2. Procedures for issuing licenses to compete in international beauty contests and model contests:

The representative organization that apply for the license to compete in an international beauty contest or model contest must send 01 dossier, directly or by post, to the Department of Performing arts. The dossier comprises:

- a) 01 application for the license to compete in a contest (form No. 05);
- b) 01 résumé of the contestant certified by a competent State agency;
- c) 01 registration sheet of the contestant;
- d) 01 authenticated copy of the invitation to participate in an international beauty contest or model contest from the foreign organization;
- dd) 01 authenticated copy of the title certificate in a domestic beauty contest or model contest.

3. Time limit for licensing: Within 05 working days as from receiving the complete and valid dossier, the Department of Performing arts must issue the license. The refusal to license must be notified and explained in writing.

## **Chapter 4.**

## **CIRCULATING AND TRADING AUDIO AND VIDEO RECORDINGS OF ART PERFORMANCES; PUBLICIZING ART WORKS**

### **Article 23. Audio and video recordings of art performances**

1. The audio and video recordings of art performances that are circulated and traded in this Decree include: cassette tapes, video tapes, CDs, VCDs, DVDs, CD-ROMs, IC chips, and other media that contain performing arts, fashion shows, beauty shows, and sports.
2. The organizations and individuals that circulate and trade audio and video recordings of art performances must comply with this Decree and relevant law provisions.

### **Article 24. Authority and procedures for approving audio and video recordings of art performances**

1. The contents of audio and video recordings of art performances produced at home or imported must be approved by the competent State agencies prescribed in Clause 3 this Article.
2. The organizations and individuals wishing to circulate or import audio and video recordings that contain art performances must be organizations licensed to produce, trade, and import audio and video recordings as prescribed by law.
3. Authority to approve audio and video recordings of art performances:

a) The Department of Performing arts shall receive dossiers and approve the contents audio and video recordings of art performances produced or imported by organizations affiliated to central agencies;

b) The Services of Culture, Sports and Tourism shall receive dossiers and approve the contents audio and video recordings of art performances produced or imported by local organizations.

4. Procedures for approving audio and video recordings of art performances:

The organizations that apply for the approval contests must send 01 dossier, directly or by post, to the Department of Performing arts or the Services of Culture, Sports and Tourism. The dossier comprises:

a) 01 application for the approval (form No. 06);

b) 01 list of writers, works, and performers;

c) 01 music and lyric sheet or literature script (foreign works must be translated into Vietnamese and certified by a translation company);

d) 01 audio or video recording of art performances;

dd) 01 authenticated copy of the Decision on permitting the writer, the work, and the performer being Vietnamese individuals residing overseas to participate in the performance (if the performance includes compositions written before 1975 in Southern provinces of Vietnam, or performances participated by Vietnamese individuals residing overseas);

e) 01 design of the cover of the audio or video recording;

01 authenticated copy of the Establishment Decision or Enterprise registration certificate of the enterprise licensed to produce, trade, or import audio and video recordings.

5. Time limit for licensing:

Within 05 working days as from receiving the complete and valid dossier, the Department of Performing arts or the Services of Culture, Sports and Tourism must issue the approval for the contents. The refusal to approve must be notified and explained in writing.

### **Article 25. Authority and procedures for issuing control labels of audio and video recordings of art performances**

1. Audio and video recordings of which the contents have been approved must be fixed with control labels before being freely circulated.
2. Authority to issue control labels of audio and video recordings of art performances
  - a) The Department of Performing arts shall receive dossiers and issue the control labels of audio and video recordings of art performances produced or imported by organizations affiliated to central agencies;
  - b) The Services of Culture, Sports and Tourism shall receive dossiers and issue the control labels of audio and video recordings of art performances produced or imported by local organizations.
3. Procedures for issuing control labels:

The organizations that produce or import audio and video recordings contests must send 01 dossier, directly or by post, to the Department of Performing arts or the Services of Culture, Sports and Tourism. The dossier comprises:

- a) 01 application for control label (form No. 07);
- b) 01 customs declaration sheet of imported goods and the written approval for the program contents (for imported audio and video recordings);
- c) 01 written authorization to apply for the control label (for cases of authorizing to apply for control labels).

#### 4. Time limit for issuing control labels:

Within 05 working days as from receiving the complete and valid dossier, the Department of Performing arts or the Services of Culture, Sports and Tourism must issue the control label. The refusal to issue the control label must be notified and explained in writing.

5. The audio and video recordings of art performances fixed with control labels are permitted to be circulated nationwide, and must be included in the customs declaration when being exported.

### **Article 26. Archiving audio and video recordings of art performances**

Within 05 working days as from being issued with the control label, the licensed organization must submit 02 copies of the audio or video recording to the licensing agency for archiving; the licensing agency must receive and archive the copy of the audio or video recording for 02 years. At the end of the archiving period, the licensing agency must handle the archived audio and video recording as prescribed by the Minister of Culture, Sports and Tourism.

### **Article 27. Distribution of audio and video recordings of art performances of foreign organizations and individuals in Vietnam**

Foreign organizations and individuals operating in Vietnam may only distribute the audio recordings of art performances within the Vietnam's territory in accordance with the

International Agreements to which the Socialist Republic of Vietnam is a signatory, and other relevant law provisions.

**Article 28. The export and import of audio and video recordings of art performances**

1. Vietnamese organizations and individuals and foreign organizations operating in Vietnam that export and import audio and video recordings of art performances must comply with law provisions on trading and investment.
2. The export and import audio and video recordings of art performances not for business purposes must comply with current law provisions.

**Article 29. Publicizing music and theatre works**

1. Organizations and individuals that perform music and theatre works directly to an audience or in public must be approved by competent State agencies.
2. The music and theatre works composed before 1975 in southern provinces or by the Vietnamese living and residing overseas which are published in form of publications must comply with Clause 3 this Article and law provisions on publishing.
3. The organizations and individuals wishing to publicize works composed before 1975 in southern provinces or by the Vietnamese living and residing overseas which are published in form of publications must submit 1 dossier to the Department of Performing arts directly or by post. The dossier comprises:
  - a) 01 application for the license to publicize the works composed before 1975 in southern provinces or by the Vietnamese living and residing overseas (form No. 08);
  - b) 01 copy of the sheet or theatre script (certified by the its writer or an organization that represents the copyright);
  - c) 01 authenticated copy of the ID card or passport of the writer (if the applicant is an individual);
  - d) 01 authenticated copy of the Establishment Decision or Enterprise registration certificate of (if the applicant is an organization);
  - dd) 01 authenticated copy of the written remark from a diplomatic agency in the host country (for individuals applying for the first time);
  - e) 01 audio recording that contains the work.
4. Within 10 working days as from receiving the complete and valid dossier, the Department of Performing arts must issue the license. The refusal to issue the license must be notified and explained in writing.

**Chapter 5.**

**IMPLEMENTATION PROVISIONS**

**Article 30. Effects**

1. This Decree takes effect on January 01, 2013.
2. The following documents are annulled:

- a) Chapter II and Chapter III of the Regulation on cultural activities and the provision of public cultural services, promulgated together with the Government's Decree No. 103/2009/NĐ-CP dated November 06, 2009;
  - b) The Regulation on professional art performances, promulgated together with the Decision No. 47/2004/QĐ-BVHTT dated July 02, 2004 of the Minister of Culture, Sports and Tourism;
  - c) The Regulation on the organization of beauty pageants, promulgated together with the Decision No. 87/2008/QĐ-BVHTTDL dated December 30, 2008 of the Minister of Culture, Sports and Tourism;
  - d) The Regulation on producing, exporting, importing, circulating, and trading audio and video recordings of art performances, promulgated together with the Decision No. 55/1999/QĐ-BVHTT dated August 05, 1999 of the Ministry of Culture and Information;
  - dd) The notification No. 5 (Document No. 453/VHTT-TB dated February 28, 1995 of the Ministry of Culture and Information) on using songs composed before 1975 in southern provinces;
  - e) Section II Article 1 and Section II Article 2 of the Circular No. 07/2011/TT-BVHTTDL dated June 07, 2011 of the Ministry of Culture, Sports and Tourism, amending, supplementing, superseding, or annulling the provisions related to the administrative procedures under the management of the Ministry of Culture, Sports and Tourism.
3. The provisions promulgated by Ministries, sectors and localities that contradict this Decree are all abolished.

### **Article 31. Implementation responsibilities**

1. The Minister of Culture, Sports and Tourism must guide the implementation of this Decree.
2. Ministries, Heads of ministerial-level agencies, Heads of Governmental agencies, the Presidents of People's Committees of central-affiliated cities and provinces, relevant agencies, organizations and individuals are responsible for implementing this Decree./.

**FOR THE GOVERNMENT  
THE PRIME MINISTER**

**Nguyen Tan Dung**