

Regulation on Organization and Operation

Of the Inspectorate of Ministry of Science and Technology

(Issued enclosed herewith Decision No. 638 /QD-BKHCHN dated April 04, 2014 by the Minister of Science and Technology)

Chapter I

GENERAL PROVISIONS

Article 1. Positions and functions

1. The Inspectorate of Ministry of Science and Technology (The Ministry Inspectorate) is an agency under the Ministry of Science and Technology, which assists the Minister to fulfil State management functions of science and technology (S&T) inspection; handle complaints, denunciations, prevent and combat against corruptions; carry out tasks and power of administrative and professional inspections within the State management scope of Ministry of Science and Technology as stipulated by laws.

2. The Ministry Inspectorate is under the direct guidance and management of the Minister of Science and Technology; at the same time under the guidance and supervision in terms of performance, organization and profession of the Government Inspectorate of Vietnam.

3. The Ministry Inspectorate has its own stamp and account.

Article 2. Tasks and powers

The Ministry Inspectorate fulfils tasks and powers as stipulated in Decree No. 213/2013/ND-CP dated December 20, 2013 by the Government on organization and operation of the Science and Technology branch (hereinafter called Decree No. 213/2013/ND-CP) and following specific tasks:

1. Chairing or participating in the formulation of legal and regulatory documents to submit to the competent level for approval; making recommendations to the competent level to amend, supplement or promulgate legal and regulatory documents appropriate with State management requirements in terms of S&T; making recommendations to the competent State agencies and individuals to terminate the

enforceability or annul regulations against laws on S&T, which are discovered through inspection activities.

2. Developing inspection plans to submit to the Minister for approval; organizing the implementation of the inspection plans under the responsibility of the Ministry Inspectorate; providing guidelines, supervising, monitoring, checking the implementation of inspection plans under responsibilities of the Directorate for Standards, Metrology and Quality (hereinafter called the Directorate) and Vietnam Agency for Radiation and Nuclear Safety (hereinafter called the Agency); consolidating, solving the overlapping within the assigned authority for inspections, examination or submitting to the Minister for decision within the Ministry's authority on State management and as stipulated by laws.

3. Providing guidance and professional skills on specialized inspection for the Directorate and the Agency; providing guidance and professional skills on S&T specialized inspection for the Inspectorate of Department of Science and Technology of provinces and cities under the Central government (hereinafter called the Department Inspectorate); providing guidance and examining agencies and units under the Ministry on the implementation of laws on inspection.

4. Organizing training and providing updated knowledge on specialized inspection for inspectors and specialized inspection staff and experts who carry out inspection activities under the Ministry and the Department Inspectorate.

5. Checking the accuracy and validity of inspection conclusions, decisions on solutions after inspections, decisions on administrative penalties by the General Director, Director of the Agency, Chief Inspector of the Agency and Chairmen of Provincial People's Committees for those cases in branches and fields under the State management scope of the Ministry of Science and Technology when necessary.

6. Conducting administrative inspections on the implementation of policies, laws and tasks assigned for agencies, organizations, individuals under the direct management of the Ministry of Science and Technology.

7. Conducting specialized inspections on the compliance with laws on S&T for organizations, individuals as stipulated in regulations.

8. Imposing administrative sanctions according to regulations on sanctions for administrative violations.

9. Monitoring, supervising and checking the implementation of inspection conclusions, recommendations and decisions of the Minister and Ministry Inspectorate and those on imposing administrative sanctions of the Ministry's Chief Inspector.

10. Consolidating, withdrawing experience, developing S&T specialized inspection skills under the State management of the Ministry Inspectorate.

11. Assisting the Minister to organize meetings with citizens, handle complaints, denunciations as stipulated by laws on complaints, denunciations; fulfilling tasks of prevention and combat against corruption as stipulated by laws on combating against corruption.

12. Consolidating, reporting to the Minister and General Inspector of the Government on inspection activities, handling complaints and denunciations and combating against corruption under the Ministry's State management scope.

13. Convening officials and staff of relevant agencies and units to participate in Inspection missions as stipulated by laws.

14. Managing officials, staff, assets and documents of the Ministry Inspectorate according the Ministry's delegation of authority and as stipulated by laws.

15. Carrying out other tasks assigned by the Minister and as stipulated by laws.

Chapter II

ORGANIZATIONAL STRUCTURE AND WORKING MECHANISM

Article 3. Leaders of the Ministry Inspectorate

1. Leaders of the Ministry Inspectorate consist of the Chief Inspector and Deputy Chief Inspectors.

2. The Chief Inspector is appointed, dismissed by the Minister of Science and Technology in agreement of the General Inspector of the Government. The Chief Inspector is responsible to the Minister, General Inspector of the Government and laws for the entire organization and operations of the Ministry Inspectorate in fulfilling the assigned functions and tasks. The Ministry's Chief Inspector is assigned with tasks and powers as stipulated in Decree No. 213/2013/ND-CP.

3. Deputy Chief Inspectors are appointed and dismissed by the Minister of Science and Technology based on the Chief Inspector's proposal. The Deputy Chief Inspectors assist the Chief Inspector to fulfil one or some work assignments of the Ministry Inspectorate and responsible to the Chief Inspector and laws for their assigned tasks.

In case the Chief Inspector is absent, one Deputy Chief Inspector is authorized to manage and deal with the work of the Ministry Inspectorate.

Article 4. Organizational structure of the Ministry Inspectorate

1. Division of General Affairs and Administrative Inspection (in short called Inspection Division No 1);
2. Division of S&T Inspection (in short called Inspection Division No 2);
3. Division of Intellectual Property Inspection (in short called Inspection Division No 3);
4. Division of Standards, Metrology, Quality and Radiation and Nuclear Safety Inspection (in short called Inspection Division No 4);

When necessary, the Ministry's Chief Inspector coordinates with the Director of Department of Organization and Personnel to review and decide the establishment or dissolution of the divisions under the Ministry Inspectorate.

The head and deputy heads of divisions under the Ministry Inspectorate are appointed and dismissed by the Minister of Science and Technology based on the proposal of the Chief Inspector.

The Chief Inspector coordinates with the Director of Department of Organization and Personnel to specify functions, tasks and working relations among divisions.

Article 5. Working mechanism

1. The Ministry Inspectorate organizes its work according to a leadership mechanism.
2. The Chief Inspector manages the entire operation of the Ministry Inspectorate according to regulations on inspection, the Regulation on Organization and Operation of the Ministry Inspectorate and other regulations issued by the Minister of Science and Technology.

Article 6. Human resources of the Ministry Inspectorate

1. Inspectors.
2. Experts.

Article 7. Principles of the Ministry Inspectorate

1. S&T inspection activities shall be compliant with laws, ensuring the adequacy, honesty, objectiveness, openness, democracy and timeliness; don't hinder the normal operation of organizations and individuals subjected to inspections.
2. When conducting inspections, the person who makes decisions on inspection, the Chief Inspector, leaders of the Inspection mission, inspectors and members of the Inspection mission shall comply with regulations on inspection as stipulated in Decree No. 213/2013/ND-CP, this Regulation and are responsible to laws for their actions and decisions.

Article 8. Authorities to approve inspection programs and plans, handle overlapping and make decisions on inspection

1. Authorities to approve inspection programs and plans

a) The Minister of Science and Technology approves annual inspection programs and plans submitted by the Ministry's Chief Inspector.

b) The Ministry's Chief Inspector chairs the handling or submits to the Minister to handle the overlapping in inspection scopes, subjects, content, duration within the Ministry of Science and Technology's State management cope; coordinates with the provincial Chief Inspector to handle the overlapping in inspection scope, subjects, content, duration on localities of provinces and cities under the Central government.

2. Authorities to make inspection decisions:

a) The Ministry's Chief Inspector makes decisions on inspection and establishment of Inspection missions to implement inspection decisions. When necessary, the Minister of Science and Technology can directly make decisions on inspection and establishment of Inspection missions;

b) The Ministry's Chief Inspector makes decisions on urgent inspection when there are signals of legal violations and send his decisions to report to the Minister of Science and Technology and at the same time is responsible to the Minister for his decisions;

c) The Ministry's Chief Inspector makes decisions on re-inspection for cases which have inspection conclusions by the General Director, Director of the Agency, Chairmen of Provincial People's Committees under the State management scope and authorities of the Ministry of Science and Technology but signals of legal violations are discovered when the Minister of Science and Technology assigns;

**Chapter III
WORKING RELATIONS**

Article 9. Relations between the Ministry Inspectorate and the Directorate and Agency

1. The Ministry Inspectorate has following responsibilities over the Directorate and Agency:

a) Providing guidance for preparing annual and periodic inspection plans and handling cases according to the Minister's guidance and requirements of the Ministry's Chief Inspector.

b) Balancing plans on S&T specialized inspection for production and business organizations and individuals, prepared by agencies with specialized inspection functions under the Ministry of Science and Technology and Department Inspectorate when inspections are conducted in provinces and cities;

c) Providing guidance on performance and updated professional knowledge for inspection activities carried out by the Directorate, Agency and Department Inspectorate;

d) Requesting to send specialized inspectors to participate in Inspection missions of the Ministry of Science and Technology.

đ) Providing guidelines, requesting to follow requirements of information and reports on inspection results;

e) Providing guidance to the Directorate and Agency on coordination, support and instructions on specialized inspection skills, which are delegated to the Department Inspectorate to handle relevant cases when required by the Department of Science and Technology.

g) Coordinating with the Directorate and Agency in reviewing, agreeing on arrangement and fostering of specialized inspectors of the Directorate Inspectorate and Agency;

h) Negotiating and accepting the proposal of rewarding Certificates of merit or higher for specialized inspections in fields carried out by the Directorate and Agency.

2. Responsibilities on inspection reporting:

a) The Ministry Inspectorate is responsible for consolidating and reporting to the Minister of Science and Technology and General Inspector of the Government on inspection, handling of complaints and denunciation, prevention and combat against corruption of the Ministry of Science and Technology and S&T specialized inspection;

b) The Directorate and Agency are responsible for quarterly and annual reporting on specialized inspection in the assigned fields delegated to the Ministry Inspectorate and urgent reporting as required by the Ministry Inspectorate so that the Ministry Inspectorate can consolidate and report to the Ministry of Science and Technology and General Inspector of the Government.

c) The Ministry's Chief Inspector has rights to request the General Director and Director respectively to conduct urgent inspection within the assigned fields of the Directorate and Agency when there are signals of legal violations; in cases the General Director and Director don't agree, the Ministry's Chief Inspector has rights to

make inspection decisions, report and is responsible to the Minister of Science and Technology for his own decisions.

Article 10. Relations between the Ministry Inspectorate and Department Inspectorate

1. The Ministry Inspectorate is the focal point of studying, developing and providing guidance on S&T specialized inspection skills for the Department Inspectorate.

2. The Ministry Inspectorate provides guidance on preparing annual and periodic inspection plans and handling cases according to guidance of the Ministry of Science and Technology and requirements of the Ministry's Chief Inspector.

3. The Ministry Inspectorate reviews and agrees on the S&T specialized inspection among the Directorate, Agency and Department Inspectorate when specialized inspection is conducted in the locality.

4. The Ministry Inspectorate requests to follow requirements of information and reporting on inspection results, handling complaints, denunciations under the State management of Department of Science and Technology.

5. The Ministry Inspectorate requests to send inspectors from the Department Inspectorate to participate in inspection missions of the Ministry of Science and Technology when S&T specialized inspection is conducted in the locality.

Article 11. Relations between the Ministry Inspectorate with agencies under the Ministry of Science and Technology

The Ministry Inspectorate follows the working regulations and relations with leaders of agencies under the Ministry according to laws on inspection, working regulations of the Ministry of Science and Technology and other regulations issued by the Minister.

Article 12. Relations between the Ministry Inspectorate with agencies, organizations and individuals outside the Ministry of Science and Technology

Within the assigned tasks and power, the Ministry Inspectorate is responsible for coordinating with police agencies, specialized inspection agencies and other relevant agencies, organizations and individuals in conducting inspections and prevention, discovery and handling of legal violations in S&T field as stipulated by laws.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 13. The enforceability validity

1. This Regulation is put into effect as of date of signing.
2. The Ministry Inspectorate coordinates with the Director of Department of Organization and Personnel to implement this Regulation.

Article 14. The amendment and supplementation of this Regulation

The amendment and supplementation of this Regulation is carried out by the Ministry Inspectorate in coordination with the Director of Department of Organization and Personnel to submit to the Minister of Science and Technology for review and approval.

THE MINISTER

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