

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

-----o0o-----

Hanoi, 21 September 2010

DECREE

Regulating in details the execution of some articles of the law on cultural heritages and the Law on amending, supplementing some articles of the law on cultural heritage

THE GOVERNMENT

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

Pursuant to the June 3, 2008 Law on Promulgation of Legal Documents;

Pursuant to the Law on Cultural Heritages of June 29, 2001 and the June 18, 2009 Law on amending and supplementing a number of Articles of the Cultural Heritage Law;

Pursuant to the Law on Emulation and Commendation dated November 26, 2003;

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

DECREE

Chapter I

GENERAL REGULATIONS

Article 1. Scope of adjustment

This Decree specifies in details the protection and promotion of intangible cultural heritage values; the protection and promotion of historical - cultural relics, landscapes; the management of national artifacts, antiques, precious objects; organization and operation of the museum; the reward for organizations and individuals who find out and hand over national artifacts, antiques, precious objects.

Article 2. Intangible cultural heritage and tangible cultural heritages

1. Intangible cultural heritage includes:

- a) Oral and written languages;
- b) Folklore language;
- c) Folk performing arts;

d) Social and religious customs;

e) Traditional festivals;

e) Traditional crafts;

d) Folk knowledge.

2. The tangible cultural heritage includes:

a) Historical - cultural relics, landscapes (hereinafter referred to as relics);

b) National artifacts, antiques, precious objects.

Article 3. State policies on protection and promotion of cultural heritage values

1. Formulating and implementing programs on the preservation of typical cultural heritages.

2. Commending and rewarding organizations and individuals that record achievements in the protection and promotion of cultural heritage values; To recognize and confer state honorary titles and implement the spirit and material preferential policies for artisans and artists who hold and merit the dissemination of traditional arts and professional secrets of special values.

3. Doing research and applying scientific and technological achievements to the following activities

a) Archeological exploration and excavation; Preserving, restoring, embellishing and promoting the relics values;

b) Appraising, managing the collection, preserving objects, revising and renewing the contents, forms of exhibitions and educational activities of museums;

c) Collecting, preserving and disseminating intangible cultural heritage values; establishing a database of intangible cultural heritage.

4. Training and fostering the professional cadres in the field of protection and promotion of cultural heritage values.

5. Encouraging and creating conditions for domestic and foreign organizations and individuals to make spiritual and material contributions or directly participating in activities of protecting and promoting cultural heritage values.

6. Expanding forms of international cooperation in the field of protection and promotion of cultural heritage values; Formulating and implementing international cooperation projects under the provisions of law.

Article 4. Acts of violation by falsifying or destroying cultural heritages

1. Relics falsifying behaviors:

a) Changing the relics original element such as adding, removing, changing the objects in relics or improperly enhancing relics, restoring relics compared to the original ones and other behaviors without permission competent authorities in culture, sports and tourism, propagandizing and misrepresenting of the content and values of relics;

b) Changing the landscape environment of the relics such as tree chopping, rock breaking, digging, illegal construction and other behaviors affecting the relics.

2. The acts causing danger of destruction or degradation of the values of intangible cultural heritages:

a) Disseminating and misrepresenting the contents of intangible cultural heritages;

b) Arbitrarily introducing inappropriate new elements to reduce the value of intangible cultural heritages;

c) Taking advantage of the propagation, dissemination, demonstration and transmission of intangible cultural heritages for self-seeking purposes, and committing other acts contrary to law.

3. The following cases are considered illegal excavation of archaeological sites:

a) Digging, searching for national artifacts, antiques, precious objects in protected site relics and archaeological sites such as residences, burial grounds, tooling workshops, ramparts, and sites. Other archaeological works;

b) Searching for, salvaging national artifacts, antiques, precious objects and submerging in water.

CHAPTER II

PROTECTING AND PROMOTING INTANGIBLE

CULTURAL HERITAGE VALUE

Article 5. Criteria for selecting intangible cultural heritages for inclusion in the list of national intangible cultural heritages

1. Being representative, expressing the identity of the community and localities.

2. Reflecting the diversity of culture and creativity of people, inherited through many generations.

3. Being able to recover and survive long term.

4. The community agree, voluntarily nominate and commit to protect.

Article 6. Criteria for selection and the order, procedures for compiling typical intangible cultural heritage dossiers for proposing the United Nations Educational, Scientific and Cultural Organization to put into the list of non-material cultural heritages, representing the human and the list of intangible cultural heritage that need urgent protection

1. Typical intangible cultural heritages are selected under the following criteria
 - a) Being an intangible cultural heritage already included in the list of national intangible cultural heritages;
 - b) Having special historical, cultural or scientific values;
 - c) Showing unique cultural identity and the basis for the creation of new cultural values;
 - d) Having the scope and extent of national and international influence on history, culture and science;
 - e) Satisfying the selection criteria of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

2. The order and procedures for compiling typical intangible cultural heritage dossiers:

- a) Based on the list of national intangible cultural heritages and the criteria specified in Clause 1 of this Article, presidents of provincial/municipal People's Committees (hereinafter called presidents of Provincial-level People's Committees) where intangible cultural heritages are located shall send dossiers thereon to request the Minister of Culture, Sports and Tourism for consideration and submission to the Prime Minister for preparation of dossiers for typical intangible cultural heritage, submitted to UNESCO.

Where the intangible cultural heritage is considered not to be eligible for submission to UNESCO, the Minister of Culture, Sports and Tourism shall reply in writing within 30 days from the date of receiving such request.

- b) After obtaining the permission from the Prime Minister, the presidents of the provincial-level People's Committees shall organize the compilation of typical intangible cultural heritage dossiers and send them to the Ministry of Culture, Sports and Tourism.

- c) The Minister of Culture, Sports and Tourism shall coordinate with the Minister of Foreign Affairs and concerned ministries and sectors in appraising and proposing the National Council for Cultural Heritages to give comments on the dossiers. The National Council for Cultural Heritage shall conduct the evaluation and give written opinions within 30 days after receiving the dossiers;

d) The Minister of Culture, Sports and Tourism shall submit to the Prime Minister for consideration and decision.

After being approved by the Prime Minister, the Minister of Culture, Sports and Tourism shall coordinate with the Minister for Foreign Affairs in finalizing the procedures for sending dossiers to UNESCO under regulations.

3. Dossier of typical intangible cultural heritage submitted to the Prime Minister including:

a) A written proposal of the community or individual holding the intangible cultural heritage and the written proposal of the presidents of the provincial-level People's Committee;

b) A prepared typical intangible cultural heritage dossier under UNESCO regulations;

c) The written evaluation of the National Council for Cultural Heritages;

d) The Minister of Culture, Sports and Tourism's written submission to the Prime Minister.

4. The Minister of Culture, Sports and Tourism and the Minister for Foreign Affairs shall report to the Prime Minister and notify the President of the provincial People's Committee and the community or individual holding the intangible cultural heritage of the decision of UNESCO for such intangible cultural heritage.

Article 7. Encourage the maintenance, restoration and development of traditional handicrafts of typical values

The State encourages the maintenance, restoration and development of traditional handicrafts through the following measures:

1. Investigating and classifying traditional handicrafts nationwide; supporting the maintenance and restoration of traditional crafts of typical value or at risk of loss or lost in oblivion

2. Creating favorable conditions for the exploitation and use of traditional materials;

3. Adopting policies to encourage and support the use of traditional handicraft methods and techniques;

4. Promoting the promotion of traditional handicraft products in domestic and foreign markets in various forms;

5. Promoting and facilitating the dissemination and transmission of technical and professional skills of traditional handicrafts of typical values;

6. Adopting tax incentives for activities of maintaining, restoring and developing traditional handicrafts of typical values under the provisions of tax law.

Article 8. Authority and procedures for licensing overseas Vietnamese and foreign organizations and individuals to study and collect intangible cultural heritages in Vietnam

1. The Ministry of Culture, Sports and Tourism and the provincial/municipal Culture, Sports and Tourism Services are competent State bodies permitting the study and collection of intangible cultural heritages in Vietnam.

2. The procedures for licensing research into and collection of intangible cultural heritages are provided for as follows:

a) Overseas Vietnamese, foreign organizations and individuals that apply for research, collection must submit an application enclosed with the project, clearly stating the purpose, geographical area, duration and Vietnamese partners who join in studying and collecting intangible cultural heritages, to the directors of the provincial/municipal Culture, Sports and Tourism Services. In cases where the geographical areas are studied and collected in two or more centrally-run provinces, cities, their applications must be sent to the Minister of Culture, Sports and Tourism.

b) Within 30 days after receiving the application, the Minister of Culture, Sports and Tourism or the directors of the provincial/municipal Culture, Sports and Tourism Services shall consider and grant the permit; In case of refusal, the reasons therefor must be clearly stated in writing.

Article 9. The title of the People's Artisans and the Elite Artisans

1. The standards for being considered and given titles of People's Artisans and Elite Artisans shall comply with the provisions in Article 3 of the Law on Amending and Supplementing a number of Articles of the Law on Cultural Heritages.

2. The Ministry of Culture, Sports and Tourism shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, detailing Clause 1 of this Article and the process, procedures for compilation and submission of dossiers for consideration of conferment of the titles of People's Artisans and the Elite Artisans.

Article 10. Preferential treatment policy for People's Artisans and Elite Artisans

1. People's artisans and Elite Artisans are entitled to the following preferential treatment policies:

a) Receiving financial supports and creating favorable conditions for space and site to organize activities of teaching, creating, demonstrating, displaying and introducing products;

b) Enjoying tax reduction or exemption for activities of protecting and promoting the value of intangible cultural heritages under the provisions of tax law;

c) Being entitled to monthly allowances and other preferences if they have low incomes or difficult circumstances.

2. The Ministry of Culture, Sports and Tourism shall assume the prime responsibility and coordinate with the Ministry of Finance, the Ministry of Labor, War Invalids and Social Affairs, the Health Ministry and the concerned ministries and sectors in promulgating the policies specified in Clause 1 of this Article.

Chapter III

PROTECTION AND PROMOTION OF RELICS VALUE

Article 11. Classification of relics

Based on the criteria specified in Clause 9, Article 1 of the Law on amending and supplementing a number of articles of the Cultural Heritage Law and Article 28 of the Cultural Heritage Law, relics are classified as follows:

1. Historical relics (commemorative relics for events, commemorative relics for celebrities);
2. Relics of architectural art;
3. Archaeological relics;
4. Landscapes

Article 12. Inventory of relics

1. The relics inventory is organized under the criteria specified in Clause 9, Article 1 of the Law on amending and supplementing a number of Articles of the Cultural Heritage Law and Clause 2, Article 28 of the Cultural Heritage Law.

2. The presidents of the provincial-level People's Committees shall direct the directors of the provincial/municipal Culture, Sports and Tourism Services to organize relics inventory, submitting them to the presidents of the provincial-level People's Committees for approval and announcement of the list of relics inventory.

Article 13. Preparing scientific dossier for the relics ranking

1. Based on the provisions of the relics ranking in Clauses 10, 11 and 12, Article 1 of the Law on amending and supplementing a number of Articles of the Law on Cultural Heritage, the directors of the provincial/municipal Culture, Sports and Tourism Services shall have to make scientific dossier for relics rankings submitted to competent state agencies for ranking consideration, proposal of relics ranking as per authority

2. Scientific dossier for relics ranking consists of:

a) A written request for ranking of an organization or individual who is the owner or assigned to manage the relics

- b) Relics history;
- c) Location map and directions to the relics;
- d) A 1/500-meter relics master plan, planes, verticals, horizontal, longitudinal cross sections, structures and architectural details with typical carving of the relics scale 1/50;
- d) A set of relics, national artifacts, antiques, precious objects of relics of size 9cm x 12cm or more;
- e) Statistic table national artifacts, antiques, precious objects of relics;
- g) Molding, translation of epitaph, parallel sentences, Chinese characters and documents or other languages in the relics;
- h) Minutes and zoning maps of the relics protected sites certified by the people's committees at all levels, the competent state agencies for natural resources and environment and the Provincial Culture, Sports and Tourism Services
- i) The report on the relics ranking prescribed in Clause 12, Article 1 of the Law on amending and supplementing a number of Articles of the Cultural Heritage Law.

The Minister of Culture, Sports and Tourism shall provide detailed guidance on the contents of the scientific dossier to relics.

Article 14. Principles for determining the scope and marking of boundaries of relics protected sites

1. The determination of the relics protected site I is stipulated in Clause 13, Article 1 of the Law on amending and supplementing a number of Articles of the Law on Cultural Heritages shall be effected under the following principles:

a) For relics which are constructions, places associated with historical, personal and career events of the celebrities, the protected site I must include the sites where construction works are located, the sites of marking the typical events of historical events, memorial works associated with the celebrities related to that relics;

b) For relics that are archaeological sites, the protected site I must include areas that have relics, terrains and landscapes that relate directly to the habitat of the subject that created such archaeological site;

c) For relics that are complex of art architectural works or the single architectural works, the protected site I must include areas of architectural works, yards, gardens, ponds and lakes, and other factors relating to that relics;

d) For landscapes, the protected site I must ensure that the integrity maintaining of the natural landscape, topography, geomorphology and other geographic features of biodiversity and ecosystems, the material structure on the

development stages of the earth and the architectural works relating to such landscapes.

For relics with many construction works, the site is distributed on a large scale, it must identify the protected site I for each construction site.

2. Protected site II is the area surrounding or adjacent to protected site I to protect the landscape and environment - the ecology of relics and the area allowed to build works for the protection and promotion of relics value.

Defining relics without protected site II is applicable in cases where the relics are located in residential or adjacent buildings that can not be relocated.

3. The marking of the protected site relics must ensure the following principles:

a) Clear fixing of the protected site relics with contiguous areas in the field under the records and zoning maps of the relics protected sites in the relics ranking dossier;

b) The landmarks shall be made of durable material and placed in a recognizable position;

c) The shape, color, size of the landmark should be appropriate to the environment and landscape of the relics and not affect the original constants of the relics.

The Presidents of provincial-level People's Committees shall organize the placement of markers.

Article 15. Authority to evaluate projects on renovation and construction of works that may adversely affect relics

When evaluating rehabilitation projects, construction works outside the protected sites of relics that are likely to adversely affect relics, there must be evaluation in writing by the Director of the Department of Culture, Sports and Tourism services for provincial relics, the Minister of Culture, Sports and Tourism for national relics and special national relics.

Article 16. Organizations that can carry out archaeological exploration and excavation

1. The State Archaeological Research Agency.

2. The Universities with archaeological department.

3. State Museum and Relics Management Boards that have archaeological research functions.

4. The Associations that have the function of studying archeology at the central level

Article 17. Archaeological planning

1. Subjects to be included in local archaeological plannings are archaeological sites in the soil and underwater, where the relics, artifacts are discovered or with signs of retaining the relics, artifacts with historical, cultural and scientific values.

2. The archaeological planning must show the following contents:

a) The location and name of the archaeological site;

b) Scientific information on relics, artifacts discovered at archaeological sites and scientific grounds and signs of relics existence, relics at archeological sites;

c) Boundaries and areas of the archaeological sites;

d) The plans for exploration and excavation of the archaeological sites;

e) The plan for protection and promotion of the value of the archaeological site;

e) Resources for implementation of the planning.

3. Archaeological planning dossiers and the order, procedures, announcement of archaeological plannings shall comply with the planning law and regulations in Clause 18, Article 1 of the Law on amending and supplementing a number of Articles of the Cultural Heritage Law.

4. Based on archaeological research, exploration and excavation results, the directors of the provincial/municipal Culture, Sports and Tourism Services shall regularly review and propose the presidents of the provincial-level People's Committees to adjust the archaeological planning.

The adjustment of the archaeological planning by the president of the provincial-level People's Committee must be approved in writing by the Minister of Culture, Sports and Tourism.

Chapter IV

MANAGEMENT OF NATIONAL ARTIFACTS, ANTIQUES, PRECIOUS OBJECTS

Article 18. Receipt and management of artifacts, antiques and national precious objects discovered, handed over by organizations or individuals

1. All artifacts, antiques and national precious objects lying in the land of islands, inland, inland waters, territorial waters, exclusive economic zones and continental shelf as provided for in Article 6 of the Cultural Heritage Law, when discovered or found shall be owned by the State under civil law.

2. The directors of the provincial/municipal Culture, Sports and Tourism Services shall organize the reception of artifacts, antiques and national precious objects for temporary putting into the preservation storehouses of museums of the provinces where artifacts, antiques and national precious items are discovered as

prescribed in Clause 20, Article 1 of the Law on amending and supplementing a number of Articles of the Law on Cultural Heritages.

3. Organizations and individuals that hand over artifacts, antiques and national precious objects shall be commended and entitled to receive a bonus under the provisions of Article 33 of this Decree.

Article 19. Registering national artifacts, antiques, precious objects

1. The directors of the provincial/municipal Culture, Sports and Tourism Services shall have to organize the registration of artifacts, antiques and national precious objects and annually report to the Minister of Culture, Sports and Tourism on the results of national artifacts, antiques, precious objects registration in their locality.

2. The directors of the provincial/municipal Culture, Sports and Tourism Services shall receive notices on the transfer of the national precious objects' ownership right over the organizations and individuals owning the national precious objects and promptly report them to the Minister Culture, Sports and Tourism.

Article 20. Bringing national artifacts, antiques, precious objects abroad for display, exhibition, study or preservation

For artifacts, antiques:

a) Artifacts, antiques belonging to national museums as permitted by the Minister of Culture, Sports and Tourism at the written request of the museum director;

b) Artifacts, antiques belonging to specialized museums under ministries, sectors, political organizations, central socio-political organizations and specialized museums belonging to units directly under the ministries, sectors, political organizations at the central level, shall be permitted by the Minister of Culture, Sports and Tourism at the written request of the Ministers, heads of the sectors, political organizations or central socio-political organizations;

c) Artifacts and antiques belonging to the provincial-level museums shall be permitted by the Minister of Culture, Sports and Tourism at the written request of the president of the provincial-level People's Committee;

d) Private ownership artifacts and antiques permitted by the Minister of Culture, Sports and Tourism at the written request of the Director of the Department of Culture, Sports and Tourism on the basis of the application from such artifacts, antiques owner.

2. For national precious objects:

a) National precious objects belonging to national museums permitted by the Prime Minister at the written request of the Minister of Culture, Sports and Tourism;

b) National precious objects belonging to specialized museums belonging to ministries, sectors, political organizations, socio-political organizations at the central level and specialized museums belonging to units directly under ministries, sectors, political organizations, centrally-run political-social organizations permitted by the Prime Minister at the written requests of the Ministers, the heads of the sectors, political organizations or socio-political organizations at the central level after the written consent of the Minister of Culture, Sports and Tourism;

c) National precious objects belonging to provincial-level museums and national precious objects of private ownership permitted by the Prime Minister at the written request of the President of Provincial-level People's Committees after obtaining the written consent of the Minister of Culture, Sports and Tourism.

3. The protection of artifacts, antiques and national precious objects brought abroad for display, exhibition, study or preservation shall be agreed upon by the parties under international practices and treaties to which Vietnam has signed or joined in.

4. The transportation, temporary export, re-import and temporary import, re-export of artifacts, antiques must comply with the provisions of customs legislation and other relevant provisions of law.

Article 21. Authority and procedures for granting permits to carry artifacts and abroad

1. The bringing of artifacts, antiques not owned by the state, not owned by political organizations or socio-political organizations must be licensed by the Minister of Culture, Sports and Tourism.

2. The Minister of Culture, Sports and Tourism grants the license to bring artifacts, antiques abroad.

Within 30 days after receiving the application and relevant papers, the Minister of Culture, Sports and Tourism shall grant the permit. In case of refusal, the reasons therefor must be clearly stated in writing.

3. Licensing procedures to bring artifacts, antiques abroad:

a) An application sent to the Minister of Culture, Sports and Tourism;

b) Have a certificate of ownership transfer of the former owner;

c) Registration papers of artifacts, antiques.

The Minister of Culture, Sports and Tourism shall prescribe the types of artifacts and antiques not to be brought abroad.

Article 22. Complaints, denunciations about artifacts and antiques when carrying out procedures for bringing abroad

If there are complaints, denunciation that organizations, individuals carrying artifacts, antiques abroad are not legal owners or artifacts, antiques are in dispute when artifacts, antiques are in the process of asking for permission to bring abroad, then the bringing of such artifacts, antiques abroad shall be suspended for consideration and settlement under the law on complaints and denunciations.

Within 30 days from the date of receipt of the complaint or denunciation, if there are no grounds to determine whether the possession of artifacts or antiques is illegal or under dispute, such artifacts or antiques shall be allowed to be brought abroad after completing the application process.

Article 23. The authority to grant permits for duplication of artifacts, antiques and national precious objects

1. The director of the Cultural Heritage Department shall grant permits for duplication of national artifacts, antiques, precious objects of special national relics, national museums, specialized museums under ministries, sectors, political organizations or organizations at the central level and specialized museums belonging to the units directly under the ministries, centrally run sectors, political organizations and socio-political organizations.

2. The directors of the provincial/municipal Culture, Sports and Tourism Services shall grant permits for duplication of artifacts, antiques; national precious objects belonging to national relics, provincial relics, provincial museums and private property.

Based on the purpose of copying national artifacts, antiques, precious objects, the licensing authorities shall determines the number of copies made.

Article 24. Management of trading national artifacts, antiques, precious objects

1. The state unifies the management of trading national artifacts, antiques, precious objects and facilitates the organization and individuals in trading, buying and selling national artifacts, antiques, precious objects.

The trading of national artifacts, antiques, precious objects must comply with the provisions of the law on cultural heritage, business law, tax law and other relevant laws.

2. The state protects the purchase of national artifacts, antiques, precious objects for national artifacts, antiques, precious objects registered under the law on cultural heritage; Facilitate organizations and individuals to transfer ownership of national artifacts, antiques, precious objects registered and to register national artifacts, antiques, precious objects of legal origin that have not yet been registered.

3. Prohibition of buying and selling artifacts, antiques of illegal origin.

4. Unauthorized purchases of national artifacts, antiques, precious objects are strictly forbidden.

Article 25. Organization and operations of national artifacts, antiques, precious objects

1. Store owners of national artifacts, antiques, precious objects must meet the following conditions:

- a) Being a Vietnamese citizen with a permanent residence address in Vietnam;
- b) Having practicing certificate dealing in national artifacts, antiques, precious objects;
- c) Owning shop(s) suitable for exhibiting national artifacts, antiques, precious objects;
- d) Having sufficient facilities to display, preserve and protect national artifacts, antiques, precious objects.

2. The operations of national artifacts, antiques, precious objects must comply with the following provisions:

- a) Only buy national artifacts, antiques, precious objects of legal origin;
- b) Only buy and sell copies of artifacts, antiques and national precious objects of organizations and individuals licensed to make copies granted by competent state agencies defined in Article 23 of this Decree;
- c) For copies of national artifacts, antiques, precious objects, the display for sale must be clearly identified as a copy;
- d) Implementing and guiding the necessary procedures for buyers to register national artifacts, antiques, precious objects or obtain licenses to bring national artifacts, antiques, precious objects abroad for national artifacts, antiques, precious objects on the permission list for bringing abroad under the law on cultural heritage;
- d) Carrying out the law provisions on books on registration of artifacts, antiques and national precious objects for purchase and sale, accounting books and tax liabilities.

Article 26. Conditions, authority and procedures for granting certificates of trading in national artifacts, antiques and precious objects

1. Conditions for being granted with licenses trading in national artifacts, antiques, precious objects:

- a) Having expertise or knowledge of national artifacts, antiques, precious objects;

b) Not being in the period of being banned from practicing or doing work related to cultural heritages under court decisions, not being examined for penal liability, not in the period of criminal or administrative probation or probation.

2. Officials and public servants working in the cultural heritage industry are not allowed to open shops for national artifacts, antiques, precious objects trading

3. Authority to issue practice certificates to owners of national artifacts, antiques, precious objects shops:

The Director of the Department of Culture, Sports and Tourism Services shall grants a certificate of professional practice to the owner of national artifacts, antiques, precious objects shop

Within 30 days after receiving complete and valid application dossiers for practice certificates for owners of artifacts, antiques and national precious objects shop, the directors of the provincial/municipal Culture, Sports and Tourism Services shall consider and issue certificates. In case of refusal, the reasons therefor must be clearly stated in writing.

4. Procedures for granting practice certificates to owners of national artifacts, antiques, precious objects shop

a) The owners of the shops must submit the application for the certificate of trading national artifacts, antiques, precious objects to the Departments of Culture, Sports and Tourism;

b) Applications for certificates of purchase, sale of national artifacts, antiques, precious objects include:

Application for certificate;

Legal copies of relevant professional diplomas;

Curriculum vitae certified by the People's Committee of the commune, ward or township where he/she resides.

Article 27. Selling price national artifacts, antiques and precious objects

1. Auctioning organizations and individuals of national artifacts, antiques, precious objects must register with the Department of Culture, Sports and Tourism on the list of auction and must have permission of the President of the provincial level People's Committee

2. The auction of national artifacts, antiques, precious objects is conducted under civil law.

CHAPTER V

ORGANIZATION AND OPERATION OF THE MUSEUM

Article 28. The authority to certify the conditions for setting up and operation of the museums

1. The Minister of Culture, Sports and Tourism shall certify the conditions for the setting up of national museums, specialized museums under ministries, sectors, political organizations, socio-political organizations at the central level and specialized museums of the units directly under the ministries, centrally run sectors, political organizations and socio-political organizations.

2. The Director of the Department of Culture, Sports and Tourism certifies the conditions for the setting up of the provincial museum and the conditions for issuing permit non-public museums.

3. Within 30 days after receiving complete and valid dossiers, the Minister of Culture, Sports and Tourism and the directors of the provincial/municipal Culture, Sports and Tourism Services shall have to certify eligibility for setting up and grant the museum operation permit

Article 29. Vietnam museum ranking

Vietnamese museums are ranked as follows:

1. Museums of grade I;
2. Museums of grade II;
3. Museums of grade III.

Article 30. Museum ranking criteria

1. Museums of grade I must meet the following criteria:

a) Having full documents and exhibits suitable to the objects and scope of the museum operations, including at least 5 collections of rare and precious documents and exhibits; 90% of all documents and objects are already scientifically verified;

b) 100% of all materials and objects are periodically preserved, preserved for prevention and with practice on material storage and treatment;

c) Having permanent exhibitions and annually have at least 3 specialized exhibitions; regularly open for the display to serve the public;

d) Having sustainable architectural works and appropriate technical infrastructure, ensuring the preservation and display of documents and objects prescribed at Point a, Clause b, Point c, Clause 1 of this Article and other regular operations of the museum;

đ) 100% of public servants, officials and employees who directly engage in professional activities have university degrees suitable to the subjects and scope of museum operations.

2. Museums of grade II must meet the following criteria:

a) Having full documents and exhibits suitable to the objects and scope of the museum operations, including at least 5 collections of rare and precious documents and exhibits; 80% of all documents and objects are already scientifically verified;

b) 100% of all materials and objects are periodically preserved, preserved for prevention and with practice on material storage and treatment;

c) Having permanent exhibitions and annually have at least 2 specialized exhibitions; regularly open for the display to serve the public;

d) Having sustainable architectural works and appropriate technical infrastructure, ensuring the preservation and display of documents and objects prescribed at Point a, Clause b, Point c, Clause 2 of this Article and other regular operations of the museum;

d) Over 80% of public servants, officials and employees who directly engage in professional activities have university degrees suitable to the subjects and scope of museum operations.

3. Museums of grade III must meet the following criteria:

a) Having full documents and exhibits suitable to the objects and scope of the museum operations, including at least 5 collections of rare and precious documents and exhibits; 70% of all documents and objects are already scientifically verified;

b) 100% of all materials and objects are periodically preserved, preserved for prevention and with practice on material storage and treatment;

c) Having permanent exhibitions and annually have at least 1 specialized exhibitions; regularly open for the display to serve the public;

d) Having sustainable architectural works and appropriate technical infrastructure, ensuring the preservation and display of documents and objects prescribed at Point a, Clause b, Point c, Clause 3 of this Article and other regular operations of the museum;

d) Over 60% of public servants, officials and employees who directly engage in professional activities have university degrees suitable to the subjects and scope of museum operations.

Article 31. The authority, procedures and dossiers for museum ranking

1. The museum ranking authority is prescribed as follows:

a) The Minister of Culture, Sports and Tourism shall decide on grade-I museums for national museums, specialized museums of ministries, sectors, centrally run political organizations and socio-political organizations, specialized museums belonging to units under the Ministry, sectors, political organizations, centrally run socio-political organizations, provincial museums, non-public museums on the basis of the request of the head of the museum and the written opinions of the Ministers,

the heads of the sectors, the political organizations, the centrally run socio-political organizations or the presidents of the provincial-level People's Committees;

b) The heads of the Ministries, sectors, centrally run political organizations, socio-political organizations and the presidents of the provincial-level People's Committees shall decide to rank the class-II and grade-III museums on the basis of the proposals from the provincial/the head of the museum and the written consent from the Minister of Culture, Sports and Tourism.

2. The procedures for ranking museums are stipulated as follows:

a) Ranking procedures for Grade I museums

For grade-I museums, heads of museums, Ministers, heads of sectors, centrally run political organizations or socio-political organizations or President of provincial-level People's Committees shall send written requests, ranking museum dossier to the Minister of Culture, Sports and Tourism.

Within 30 days after receiving the museum's written proposal and museum classification dossier, the Minister of Culture, Sports and Tourism shall have to organize the appraisal and decide on the ranking of the museum.

b) Procedures for ranking grade II and III museums

For specialized museums of the Ministries, centrally run sectors, political organizations and socio-political organizations, the museum heads shall have to send written requests and dossiers for museum ranking to the Ministers head centrally run sectors, political organizations and socio-political organizations.

For specialized museums belonging to the units directly under the ministries, centrally run sectors, political organizations and socio-political organizations, the museums' heads shall have to send written requests and dossiers for museum ranking to the heads of the agency or organization directly managing the museum. For provincial museums and non-public museums, the head of the museum must send written requests and museum ranking dossier to the Director of the Department of Culture, Sports and Tourism.

Within 30 days after receiving the museum's written proposal and record, the head of the agency or organization directly managing the specialized museum belonging to the units directly under the Ministries, centrally run political organizations and socio-political organizations shall have to consider and decide on the sending of written requests and museum ranking dossiers to Ministers, heads of sectors, centrally run socio-political organizations; The director of the provincial/municipal Culture, Sports and Tourism Service shall have to consider and decide on the sending of the museum's written proposal and museum-ranking dossier to the president of the provincial-level People's Committee.

Within 30 days as from the date of receiving written requests and museum ranking dossiers, the Ministers, the heads of the centrally run sectors, the political organizations, the socio-political organizations or the presidents of the museums Provincial-level People's Committees shall organize the evaluation of the museum ranking.

Within 30 days from the date of receiving evaluation results, the Ministers, the heads of the centrally run sectors, the political or socio-political organizations or the presidents of the provincial-level People's Committees shall have to: send the written proposal and dossiers to the Minister of Culture, Sports and Tourism.

Within 30 days after receiving the written proposal and dossier for museum ranking, the Minister of Culture, Sports and Tourism shall have to consider and agree

Within 30 days after obtaining the written consent of the Minister of Culture, Sports and Tourism, the Ministers, the heads of the centrally run sectors, political organizations or socio-political organizations or the president of a provincial-level People's Committee shall have to issue a museum rating decision.

3. Museum ranking dossiers include:

a) Written proposal for the museum ranking from the museum head;

b) The written proposal of the Ministers, the heads of the centrally run sectors, the political organizations, the socio-political organizations or the presidents of the provincial-level People's Committees;

c) Report on the museum's status according to the museum rating criteria prescribed in Article 30 of this Decree and relevant documents

Article 32. Sending material of intangible cultural heritage, artifacts, antiques and national precious objects to public museums or competent state agencies

1. Owners of intangible cultural heritage materials, national artifacts, antiques, precious objects can send intangible cultural heritage material, national artifacts, antiques, precious objects into public museums or competent government agencies to protect and promote values in the following cases:

a) Intangible cultural heritage items, national artifacts, antiques, precious objects are at risk of being lost or damaged by natural disasters;

b) Having no proper storage facilities, equipment and facilities;

c) Not having enough technical knowledge about preservation techniques;

d) Don't conditions and ability to organize the introduction or display for serving the public;

d) Permit public museums or competent state agencies to use intangible cultural heritage material, artifacts, antiques and national precious objects to promote their values.

2. Competent state authorities that accept the submission of intangible cultural heritage material, national artifacts, antiques, precious objects include:

a) Public museum;

b) State bank or state treasuries in the case of national artifacts, antiques, precious objects of gold, silver, precious stones, diamonds or coins;

c) Specialized research institutions that are eligible for protection of intangible cultural heritage material.

3. Public museums or competent governmental agencies that have authority to receive intangible cultural heritage material, national artifacts, antiques, precious objects are responsible for keeping the owner's name and address confidential if required by the owner.

4. The consigning and receiving of intangible cultural heritage materials, national artifacts, antiques, precious objects are carried out in the form of contracts for depositing property under the civil law.

The Minister of Culture, Sports and Tourism shall specify the dossiers and procedures for consigning intangible cultural heritage materials, national artifacts, antiques, precious objects

CHAPTER VI

REWARDS FOR ORGANIZATIONS AND INDIVIDUAL WHO FIND OUT AND HAND OVER THE NATIONAL ARTIFACTS, ANTIQUES, PRECIOUS OBJECTS

Article 33. Commending and rewarding organizations and individuals who detect and hand over relics and antiques, national precious objects

1. Forms of reward

Organizations and individuals who find out artifacts, antiques and national precious objects and timely notify and voluntarily hand over to the competent state agencies in charge of culture, sports and tourism shall, depending on the value of national artifacts, antiques, precious objects, shall be considered for certificates of merit, credit, medals or other forms of commendation under the current law provisions.

2. Reward amount

The reward amount for organizations and individuals that find out or voluntarily hand over artifacts, antiques and national precious objects shall comply

with the provisions of Article 16 of Decree No. 96/2009/ND-CP of October 30th, 2009 of the Government on the disposal of buried or sunk property discovered or found on land, islands and inland waters of Vietnam.

Article 34. Authority, order and procedures for deciding on commendation for organizations and individuals that find out and hand over national artifacts, antiques and precious objects

1. Ministers, heads of centrally run sectors, political organizations and socio-political organizations, Presidents of provincial-level People's Committees of localities where public museums are assigned by the Minister of Culture, Sports and Tourism to receive national artifacts, antiques, precious found and handed over by the organizations, individuals shall establish an Evaluation Council for determining national artifacts, antiques, precious objects.

2. Expenditures for reimbursement of expenses for finding, preservation and reward of organizations and individuals that find out and hand over artifacts, antiques and national precious objects shall be used from the state budget or other sources. At the decision of the Ministers, the heads of the centrally run sectors, political organizations or socio-political organizations, or presidents of the provincial-level People's Committees of the localities where the public museums are located shall receive and retain such national artifacts, antiques, precious objects.

In special cases, the Minister of Culture, Sports and Tourism shall have to coordinate with the concerned ministries and sectors in considering and submitting to the Prime Minister for decision.

3. Representatives of state museums that receive and retain artifacts, antiques and national precious objects shall have to hand over bonuses to organizations and individuals who find out and hand over under decisions of competent persons defined in Clause 2 of this Article

4. The Minister of Finance shall specify the setting up of Evaluation Council for national artifacts, antiques, precious objects and procedures for payment of reimbursement of expenses for finding out, preservation and rewarding to organizations and individuals who find out and voluntarily hand over national artifacts, antiques, precious objects specified in Clause 1 of this Article.

Chapter VII

ENFORCEMENT TERM

Article 35. Enforcement validity

1. This Decree takes effect on November 6th, 2010.

2. This Decree replaces the Government's Decree No. 92/2002/ND-CP dated November 11, 2002, detailing the implementation of a number of articles of the Cultural Heritage Law.

Article 36. Organization of implementation

The Minister of Culture, Sports and Tourism shall have to guide and inspect the implementation of this Decree.

Ministers, heads of ministerial-level agencies, heads of governmental agencies and presidents of provincial/municipal People's Committees shall be responsible for implementing this Decree.

Recipients:

- Secretariat of the Party Central Committee;
- The Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies, agencies under the CP;
- Office of the Central Steering Committee on Anti-Corruption;
- People's Councils, People's Committees of centrally run provinces and cities;
- Central Office and Party Committees;
- Office of the President;
- Council of Nationalities and Committees of the National Assembly;
- Congress office;
- Supreme People's Court;
- People's Procuratorate of the Supreme;
- The State Audit;
- National Financial Supervisory Commission
- Vietnam Bank for Social Policies;
- Vietnam Development Bank;
- The Central Committee of the Vietnam Fatherland Front;
- Central bodies of unions;
- Government office: BTCN, PCN, E-portal, departments, directly under units, gazette
- Filing: Archive, KGVX (5 versions)

FOR THE GOVERNMENT

PRIME MINISTER

(signed)

Nguyen Tan Dung