

**THE MINISTRY OF PUBLIC
SECURITY - GOVERNMENT
COMMISSION ON ORGANIZATION
AND PERSONNEL**

No.: 07/2002/TTLT-BCA-BTCCBCP

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

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THE JOINT CIRCULAR

**OF THE MINISTRY OF PUBLIC SECURITY - GOVERNMENT COMMISSION ON
ORGANIZATION AND PERSONNEL, NO. 07/2002/TTLT-BCA-BTCCBCP, OF MAY 06,
2002 ON GUIDING IMPLEMENTATION OF A NUMBER OF PROVISIONS IN THE
GOVERNMENT' S DECREE NO. 58/2001/ND-CP, OF AUGUST 24, 2001 ON
MANAGEMENT AND USE OF SEALS**

In furtherance of the Government's Decree No. 58/2001/ND-CP, of August 24, 2001 on management and use of seals, the Ministry of Public Security - Government Commission on Organization and Personnel guide implementation of a number of provisions in the Decree as follows:

**I. GUIDING A NUMBER OF GENERAL PROVISIONS IN THE DECREE NO.
58/2001/ND-CP**

1. Competent agencies are agencies that have right to decide on establishment or grant permit for operation or recognition of legal entity of agencies, organizations as prescribed by law.
2. At clause 12 Article 3 of the Decree No. 58/2001/ND-CP prescribes: A number of other organizations permitted by the Prime Minister to use seals bearing the national emblem are organizations that not belong to provisions from clause 1 to clause 11 of Article 3 Decree No. 58/2001/ND-CP but are permitted by the Prime Minister to use seals bearing the national emblem.
3. At clause 7 Article 4 of the Decree No. 58/2001/ND-CP prescribes: A number of other organizations, which are permitted by the State agencies competent to establish them to use seals, are organizations that are not in organizational structure of Ministries, sectors but are permitted by the State competent agencies as prescribed by law to establish them and use seals.
4. At clause 1 Article 6 of the Decree No. 58/2001/ND-CP prescribes: In cases where it needs another seal with content identical to the first seal, it must obtain a written consent of the agency competent to establish it, this is construed as in case of a agency or organization with wide operational area, its offices in outside of scope of a central-affiliated city and province where its head office is located , because of work nature and the necessity for timely managing work, such

agency or organization may request to agency which has established it or granted the operating permit for permission to use additionally seals with content identical to the first seal.

5. At Article 8 of Decree No. 58/2001/ND-CP prescribing the symbols or foreign languages on seals means:

5.1. Symbols mean the icons on seal specified in Constitution, Laws, Ordinances, Decrees of the Government Decisions of the Prime Minister or symbols of international organizations specified in international treaties which Vietnam has signed or acceded or Vietnam has direct relationship permitted by the State.

5.2. Foreign languages on seals mean the proper name of agencies, organizations written in foreign languages which are indicated in decisions, permit of establishment, permit of placing of office representative, permit of adjustment or other permit granted by competent state agencies of Vietnam.

II. PROCEDURES FOR SEAL ENGRAVING, PROCEDURES FOR BRINGING FOREIGN SEALS INTO VIETNAM FOR USE AND PROCEDURES FOR REQUEST FOR USE OF SEALS BEARING THE NATIONAL EMBLEM OR SEALS WITH CONTENT IDENTICAL TO THE FIRST SEAL

A. PROCEDURES FOR SEAL ENGRAVING

1. Agencies, organizations specified in Article 3 of the Decree No. 58/2001/ND-CP must have documents on establishment, merger, and division of administrative units from competent agencies as prescribed by law.

Seal engraving of State titles specified in clause 2 Article 3 of the Decree No. 58/2001/ND-CP must have Official Dispatch of request from Office of National Assembly or Office of State president or Office of Government.

2. Specialized agencies, non-business organizations must have decision on establishment and permission to use seals from competent authorities. If in a decision on establishment has not yet had permission to use seal, the agency deciding establishment must have a document allowing such agency or organization to be entitled to use seal.

3. Political organizations, socio-political organizations, socio-professional organizations must have decisions or permits of establishment allowing to use seal and operation charters which are approved by competent agencies. They are decisions on approval of charter, for associations of central level that have organization and operation system in nationwide and that are decided for establishment by Government Commission on Organization and Personnel; they are decisions on approval of charter, for associations that have organization and operation system in scope of provinces and centrally-run cities and that are decided for establishment by chairpersons of provincial People's Committee; association organizations in system of associations mentioned above must have decisions on establishment properly with the legal process as approved in Charters of association.

Religious organizations must have Charters which have been approved in writing by the Government Religious Board or provincial Religious Board.

Science organizations must have certificate of science registration granted by the Ministry of Science - Technology and Environment or provincial Services of Science - Technology and Environment.

Magazines, publishers must have operating permits granted by the Ministry of Culture and Information or provincial Services of Culture and Information.

Foreign organizations without the diplomatic function operating legally in Vietnam, except economic organizations operating under the Law on Foreign investment in Vietnam, must have permits granted by competent agencies of Vietnam.

4. Economic organizations:

4.1. For economic organizations operating under the Law on Enterprise, Law on cooperatives, they must have Certificates of Business registration or Certificates of operation registration (for branches, representative offices).

4.2. For economic organizations operating under the Law on Foreign investment in Vietnam, they must have investment permit, permit of adjustment.

4.3. For economic organizations operating under the Law on insurance business, they must have Decisions of establishment and operation or permit of adjustment (for branches, representative offices) or Permit of placing representative office in Vietnam (for foreign insurance enterprises in Vietnam), which are granted by the Ministry of Finance.

4.4. For state enterprises, enterprises of political organizations, socio-political organizations and member units of these enterprises, they must have Certificates of Business registration and Decisions on establishment of competent state agencies.

4.5. For branches, representative offices of state enterprises, enterprises of political organizations, socio-political organizations, cooperatives, unions of cooperatives and economic organizations operating under the Law on Foreign investment in Vietnam, apart from papers above, they must have documents of provincial People's Committees allowing to place office and operate in such localities.

For affiliated units of enterprises that are not granted "Certificate of Business registration", they must have Decisions on establishment and allowing to use seals by competent state agencies.

5. In cases where agencies, organizations wish to engrave new seals in replacement of their own ones, which have been lost, worn or damaged, they must have Official Dispatch clearly stating reasons for and requesting the engraving of new seals to the police offices. In case of engraving of new seal due to lost seal, it is required to have confirmation of agency of public security in commune where happens the seal loss.

6. Dossiers to do procedures for seal engraving of agencies, organizations must be presented with originals and submitted valid copies.

7. Person who is appointed to do procedures for seal engraving must have letter of introduction and ID card or passport.

Within 7 working days as from fully receiving the valid and full dossiers, agencies of public security shall do procedures for grant of permit engraving seal to agencies, organizations.

B. PROCEDURES FOR BRINGING FOREIGN SEALS INTO VIETNAM FOR USE

Foreign agencies, organizations, except for diplomatic missions, operating in Vietnam, in need to bring their seals into Vietnam for use, must observe the following provisions:

1. Have a written request on bringing foreign seals into Vietnam for use made in according to form set by the Ministry of Public Security.

2. Written permission of operation in Vietnam granted by competent agencies (it is required to present original and submit valid copy).

3. Person, who does procedures for bringing foreign seals into Vietnam for use, must present passport or ID card.

Within 7 working days as from fully receiving the valid dossiers, agencies of public security shall do procedures for grant of permit for bringing seal into Socialist Republic of Viet Nam” to applicants.

Within 7 working days, after being permitted to bring foreign seals into Vietnam, agencies, organizations using such seals must bring the permits and seals to provincial-level agencies of public security where placing their office for registration and grant of “the seal specimen registration certificate”. Duration of seal use is defined under duration indicated in the operating permit granted by state competent agencies of Vietnam.

C. PROCEDURES TO REQUEST FOR USE OF SEALS BEARING THE NATIONAL EMBLEM OR SEALS WITH CONTENT IDENTICAL TO THE FIRST SEAL:

1. When requesting for use of seals bearing the national emblem, organizations specified in clause 12 Article 13 of the Decree No. 58/2001/ND-CP must have a document to send it to the Government Commission on Organization and Personnel. The Government Commission on Organization and Personnel shall coordinate with the Ministry of Public Security in consideration in order to submit it to the Prime Minister for written decision. After the Prime Minister has decided, the Ministry of Public Security shall carry out procedures for seal engraving and management in accordance with regulation.

2. Agencies, organizations requesting for use of seals with content identical to the first seal, specified in clause 1 Article 6 of the Decree No. 58/2001/ND-CP shall implement as follows:

2.1. For agencies, organizations requesting for use of seals bearing the national emblem, they must be decided in writing by the Prime Minister.

2.2. For agencies, organizations requesting for use of seals without bearing the national emblem, they must be decided in writing by competent agencies.

III. MANAGEMENT AND USE OF SEALS

1. The responsibilities of agencies, organizations competent to establishment and allowing use of seals:

1.1. Establishing and allowing agencies, organizations belonging to their management to use seals in writing;

1.2. Allowing agencies, organizations attached them to engrave additionally seals with content identical to the first seal;

1.3. Inspecting preservation, use of seals of agencies, organizations belonging to their management as prescribed by law;

1.4. Making written decisions on withdrawal of seals of agencies, organizations belonging to their competence of deciding establishment and allowing to use seals in cases where such agencies, organizations are dissolved, divided, merged, changed or in case of having to suspend use of seals or when seals are no longer valid for use.

2. The responsibilities of agencies, organizations being used seals: The agencies, organizations being used seals must implement the following provisions:

2.1. They must register seals at Public Security agencies and inform seal specimen to relevant agencies before using seals.

2.2. A seal may be stamped on documents, papers only after such documents, papers have been had signature by competent authorities including: Heads, deputies or direct subordinates authorized by such agencies, organizations; it is prohibited to stamp on documents, papers with no content, or stamp before having signature.

2.3. The seal must be laid at office of agency or organization and must be closely managed. In real necessary cases, due to requirement which need to solve work in places with far distances from office of agency or organization, head of agency or organization shall decide on bringing seal to outside and take responsibility for use of seal during taking it out such agency or organization.

2.4. When seals are lost, agencies, organizations must report to commune-level police agencies where happen seal loss and line agency, as well as must report in writing and submit "the seal specimen registration certificate" for police agency granted that "seal specimen registration certificate".

2.5. If the seal specimen registration certificate is lost, agency or organization must have written request and bring seal to police agency granted in order to re-register.

2.6. In cases seals are lost, worn or damaged, or in cases of division, consolidation, merger, conversion, dissolution of organizations or ending missions, head of such organizations must submit old seals and “the seal specimen registration certificate” for the police offices granted; in case of re-engraving seals, organizations are entitled to be received new seals just after they have submitted old seals and "the seal specimen registration certificates" that have been granted.

3. Inspection in management and use of seals:

3.1. Content of inspection in management and use of seals

- Inspect the seal specimen registration certificate;
- Inspect situation of seal being used;
- Inspect management and use of seal.

3.2. Inspection must be made in record in accordance with regulation, clearly writing result of inspection and being confirmed by agency or organization using seal.

IV. ORGANIZATION OF IMPLEMENTATION

1. Heads of Ministries, Ministerial agencies, Governmental agencies, Central mass organizations, chairpersons of People’s Committee of central-affiliated cities and provinces shall, within their functions, tasks and powers, coordinate with the Ministry of Public Security and Government Commission on organization and personnel in management, inspection of management, preservation and use of seals belonging to duties of Ministries, sectors and localities that are managed by themselves, under the Decree No. 58/2001/ND-CP and this Circular.

2. The Ministry of Public Security shall:

2.1. Promulgate documents unifying specimen of seals, seal engraving, system of forms, inspection on management and use of seals to apply in nationwide.

2.2. Coordinate with Government Commission on Organization and Personnel, political organizations and socio-political organizations in unifying specimen of seals, management and use of seals of political organizations and socio-political organizations.

2.3. Coordinate with Government Religious Board, Central agencies of religious organizations in Vietnam in unifying specimen of seals, management and use of seals in systems of religious organizations as prescribed in the Decree No. 58/2001/ND-CP.

2.4. Direct the Police offices of central-affiliated cities and provinces in carrying out provisions of laws on management and use of seals.

3. The Government Commission on organization and personnel shall:

3.1. Appraise and confirm on organizational type of agencies, organizations using seals in necessary cases;

3.2. Coordinate with the Ministry of Public Security to submit to the Prime Minister for deciding cases of request for use of seals bearing the national emblem specified in clause 12 Article 3 of the Decree No. 58/2001/ND-CP and cases of request for use of seals with content identical to the first seal under competence of the Prime Minister;

3.3. Coordinate with the Ministry of Public Security in inspection on management and use of seals of agencies, organizations in accordance with regulations;

4. This Circular takes effect after 15 days from the day of its signing and replaces the Circular No. 32/TT-LB, of December 30, 1993 of the Ministry of Home Affairs - Government Commission on Organization and Personnel guiding implementation of the Decree No. 62/CP, of September 22, 1993 providing on management and use of seals.

Le The Tiem

(Signed)

Nguyen Trong Dieu

(Signed)