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Firstly, abolishing the form of Project Office of INGOs in Viet Nam. Previously, Decree 12 provided three forms of registration for INGOs operating in Viet Nam, including: (i) Operational Registration Certificate, (ii) Project Office Establishment Registration Certificate and (iii) Representative Office Establishment Registration Certificate. However, Decree 58 has removed the Project Office Establishment Registration Certificate. Accordingly, INGOs can only choose to register in one of two forms, namely Operational Registration Certificate or Representative Office Establishment Registration Certificate, depending on their scale and needs.

Secondly, amending and supplementing a number of regulations on the order and procedures for granting, renewing, amending and supplementing Registration Certificates. For example, Decree 58 has shortened the time limit for granting a Registration Certificate from 45 business days to 30 business days from the date when the full and valid application documents of INGOs is submitted; the time limit for supplementing, amending and re-granting a

Thirdly, clearly regulating cases of suspension and termination of INGOs' operations. Decree 12 only provided a general provision on cases in which a INGO with an operation registration certificate is partially or completely suspended, or must terminate its operation and has its registration certificate revoked under the Ministry of Foreign Affairs' decision. This regulation makes it difficult for competent state agencies to decide which sanction to apply for violations of INGOs. At the same time, this regulation also causes confusion for INGOs in understanding legal regulations and considering decisions from competent state agencies. In order to overcome those difficulties, Articles 18 and 19 of Decree 58 have clarified the cases of suspension or termination of operation of INGOs operating in Viet Nam. Specifically, INGOs shall be suspended from operation in the following cases: (i) Continuing to operate when the Registration Certificate expires; (ii) Failing to operate in the sectors or areas specified in the Registration Certificate; (iii) Using or notifying information on transaction account that is not the registered transaction account. 3 cases where INGOs are forced to terminate their operations and have their Registration Certificate withdrawn include: (i) Committing one of the prohibited acts specified in Article 5 of Decree 58; (ii) Having no activities in 12 consecutive months after obtaining the Registration Certificate; and (iii) Failing to remedy the violations mentioned in the decision on suspension of operation within 30 business days from the date of receipt of the decision.



Comments and recommendations

The promulgation of Decree 58 with specific regulations aims to improve the shortcomings of Decree 12 as well as to suit the current practical situation. However, the provisions of Decree 58 are also somewhat stricter in managing the activities of INGOs. Therefore, these organizations need to update and analyze new points in this Decree to ensure compliance with the law during their operation in Viet Nam.