

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence- Freedom- Happiness

No.92/2007/ND-CP

Hanoi, June 1, 2007

DECREE OF THE GOVERNMENT

**Detailing the implementation of a number of Articles of the Law on
Tourism**

THE GOVERNMENT

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

Pursuant to the Law on Tourism dated June 14, 2005;

At the proposal of the General Director of the Vietnam National Administration of Tourism,

DECREES:

CHAPTER I

GENERAL PROVISIONS

Article 1.

Scope of regulation and subjects of application

1. Scope of regulation: This Decree details the implementation of a number of articles of the Law on Tourism regarding tourism resources; tourism development plans; tourist resorts, tourist spots and tourist cities; tourist guides; tourism promotion; tourism business; and state management of tourism.

2. Subjects of application:

a) Vietnamese or foreign organizations and individuals engaged in tourism activities in the Vietnamese territory;

b) Agencies, organizations, individuals and population communities conducting tourism-related activities.

Article 2.

Policies to boost tourism development

1. Investment projects on the construction of national tourist resorts, ecological tourist resorts or cultural parks where sport or recreation activities take place, which are on the list of domains or geographical areas eligible for investment incentives according to government regulations, are entitled to:

a) Import tax, export tax or enterprise income tax incentives provided for by the Government;

b) Exemption from or reduction of land use tax, land use levy, land or water surface rent, for land allocated or leased under the land law or the tax law.

2. Investment projects on the expansion, upgrading or construction of tourism job-teaching and-training establishments, and investment projects on tourism development in geographical areas meeting with particularly difficult socio-economic conditions or difficult socio-economic conditions are entitled to the State's investment credit preferences under government regulations.

3. Other policies provided for by law.

4. Based on the state budget capacity and tourism development requirements in each period, the State shall provide funding supports for the following activities:

a) Preservation, embellishment of tourism resources and environment; prevention, control and overcoming of environmental incidents in tourist resorts or tourist spots;

b) Construction of tourism infrastructures in national tourist resorts or national tourist spots; tourist resorts or tourist spots in localities with tourist development potential in geographical areas meeting with particularly difficult socio-economic conditions or difficult socio-economic conditions.

5. Funds for tourism promotion are provided for as follows:

a) The central budget shall allocate funds for tourism promotion activities conducted by the central-level state administrative agency in charge of tourism.

b) Local budgets shall allocate funds for tourism promotion activities conducted by People's Committees of provinces or centrally run cities (below referred to as provincial-level People's Committee for short).

CHAPTER II

TOURISM RESOURCES, TOURISM DEVELOPMENT PLANS

Article 3.

Investigation, evaluation of tourism resources

1. Tourism resources shall be investigated in term of:

- a) Their geographical position;
- b) Their characteristics;
- c) Their value to serve tourism;
- d) Their current status, preservation, exploitation and use capacity.

2. The central-level state administrative agency in charge of tourism shall assume the prime responsibility for, and coordinate with concerned agencies and provincial-level People's Committees in, elaborating and promulgating regulations on investigation, evaluation and classification of tourism resources as a basis for uniform implementation nationwide.

3. Organizations and individuals managing or owning tourism resources shall coordinate with competent state agencies in investigating those resources.

Article 4.

Tourism development plans

1. Tourism development plans include master tourism development plans and specific tourism development plans.

2. A master tourism development plan must be formulated on the basis of, and conform in terms of both contents and time to, the national socio-economic development strategy and plan and the national tourism development strategy.

3. A master tourism development plan must be promptly supplemented or adjusted to ensure its consistency and conformity with the national socio-economic development strategy and plan and the national tourism development strategy.

Article 5.

Publicization of tourism development plans

1. A tourism development plan must be publicized within 30 days after it becomes effective.
2. The central-level state administrative agency in charge of tourism shall announce tourism development plans approved by the Prime Minister.
3. Provincial-level People's Committees shall announce tourism development plans under their approval competence.

CHAPTER III

TOURIST RESORTS, TOURIST SPOTS AND TOURIST CITIES

Article 6.

Recognition of national tourist resorts

The Prime Minister shall decide on recognition of a national tourist resort which fully meets the following conditions:

1. Having particularly appealing tourism resources with natural landscape advantages, being capable of attracting many tourists.
2. Having an area of at least 1,000 ha.
3. Being capable of serving at least one million tourist arrivals a year.
4. Having a tourism development plan approved by a competent authority.
5. Having ground and space meeting the requirements of sight-seeing, recreation and entertainment in the resort.
6. Having infrastructure, physical-technical facilities and services up to technical standards and criteria promulgated by competent state administrative agencies:
7. Having accommodations, entertainment and sport areas and other associated service facilities.

Article 7.

Recognition of national tourist spots

The Prime Minister shall decide on recognition of a national tourist spot, which fully meets the following conditions:

1. Having particularly appealing tourism resources.
2. Being capable of serving at least 100,000 tourist arrivals a year.
3. Having convenient roads to it and providing parking lots, public toilets, fire prevention and fighting, water supply and drainage, communication and other services, meeting tourists' needs.
4. Satisfying the conditions for assurance of security, safety, order and environmental sanitation prescribed by law.

Article 8.

Recognition of local tourist resorts

The president of a provincial-level People's Committee shall recognize a local tourist resort, which fully meets the following conditions:

1. Having appealing tourism resources.
2. Having an area of at least 200 ha.
3. Being capable of serving at least 100,000 tourist arrivals a year. 4. Satisfying the conditions prescribed in Clauses 4, 5 and 6, Article 6 of this Decree.

Article 9.

Recognition of local tourist spots

The president of a provincial-level People's Committee shall recognize a local tourist spot, which fully meets the following conditions:

1. Having appealing tourism resources.
2. Being capable of serving at least 10,000 tourist arrivals a year. 3. Satisfying the conditions prescribed in Clauses 3 and 4, Article 7 of this Decree.

Article 10.

Management of tourist resorts

1. Contents of management of tourist resorts:

- a) Publicizing master and specific plans on development of tourist resorts;
- b) Managing the implementation of plans and investments under plans approved by competent authorities;
- c) Inspecting, supervising the observance of the contents and progresses of investment projects approved by competent authorities;
- d) Detecting, reporting to competent authorities on investment projects which fail to comply with plans or adversely affect the environment and landscape.
- e) Managing tourism business and service activities according to current legal provisions applicable to each business line;
- f) Inspecting, controlling the quality of services of tourism business establishments and other services-providing establishments.
- g) Preserving and embellishing tourism resources and environment;
- h) Ensuring environmental sanitation, fire prevention and fighting, and safety in tourist resorts;
- i) Organizing salvage and rescue, ensuring safety for tourists.
- j) Making suggestions or proposals to competent agencies for handling violations of business establishments, which cause environmental pollution or adversely affect tourism resources;
- k) Other contents provided for by law.

2. Management boards of tourist resorts

- a) The provincial-level People's Committee president shall decide on the establishment of the management board of a tourist resort within the administrative boundaries under his/her management;
- b) The management board of a tourist resort shall perform the tasks specified in Clause 1 of this Article;
- c) The management board of a tourist resort situated within the administrative boundaries of two or more provinces or centrally run cities shall, apart from observing the provisions of Clause 1 of this Article, comply with the regulation on management of tourist resorts promulgated by the central-level state administrative agency in charge of tourism.

Article 11.

Recognition of tourist cities

1. The Prime Minister shall decide on the recognition of a tourist city which fully meets the following conditions:

- a) Satisfying the conditions on urban areas prescribed by law;
- b) Having appealing tourism resources within its boundaries or in areas adjacent to its boundaries;
- c) Having convenient roads to tourist resorts or tourist spots;
- d) Having technical infrastructure meeting the tourist-servicing requirements;
- e) Having synchronous and convenient physical-technical facilities up to technical standards and criteria set by competent state administrative agencies, meeting various needs of domestic and foreign tourists.

2. The Prime Minister shall decide on recognition of tourist cities based on the dossier evaluation results submitted by the Minister of Construction.

CHAPTER IV

TOURISM BUSINESS

Article 12.

Travel business administrators

1. A travel business administrator must have at least three-year working experience in the travel business domain (for domestic travel business) or four-year working experience in this domain (for international travel business).

2. The working duration of a travel business administrator in travel business is the total of his/her working time in the following domains:

- a) Management of travel business;
- b) Tourist guiding;
- c) Tourism advertisement and promotion;
- d) Elaboration and administration of tourism programs;
- e) Research into, teaching on, travel business and tourist guiding.

3. The working duration of a travel business administrator in travel business is determined on the basis of written certification of the agency, organization or enterprise where he/she has worked or works; and other valid papers which certification her working duration in this domain.

Article 13.

Rights and obligations of international travel enterprises

1. An international travel enterprise has the following rights:

- a) To enjoy business autonomy and take responsibility for tourism business activities;
- b) To request a competent state agency to approve the entry, exit or transit of tourists;
- c) To have their lawful tourism business activities protected by the State;
- d) To participate in tourism promotion activities; join in professional associations;
- e) Other rights provided for by law.

2. An international travel enterprise has the following obligations:

- a) To set up, register and conduct its business in accordance with law;
- b) To employ only tourist guides who possess international tourists guide's cards to guide foreign tourists and observe regulations on the employment of laborers;
- c) To notify the provincial-level state agency charge of tourism of the replacement of its travel business administrator within 30 days after such replacement;
- d) To monitor and make full and accurate statistics on the number of tourists to whom it has provided tourism services;
- e) To assure the conditions for, an interests of, tourists in accordance with the concluded agreements;
- f) Other obligations prescribed by law.

Article 14.

Travel insurance

1. Vietnamese tourists traveling abroad are required to buy travel insurance.
2. Foreign tourists traveling to Vietnam are encouraged to buy travel insurance (if they have no insurance overseas).
3. Domestic tourists are encouraged to buy travel insurance for their tours.
4. Travel insurance for tourists must be bought at insurance enterprises licensed to operate in Vietnam.
5. Enterprises buying insurance for tourists shall coordinate with insurance-providing enterprises in promptly and properly performing their insurance obligation and pay indemnities to those tourists who suffer risks.

Article 15.

Deposit in international travel business

1. An international travel enterprise must make a deposit in accordance with regulations.
2. The deposit level is two hundred and fifty million dong (VND 250 million).
3. The deposit money shall be used to pay compensation to tourists in case the enterprise breaches tourism contracts, and to handle risks for tourists who are not required to buy travel insurance.
4. The State Bank shall provide specific deposit regulations after reaching agreement with the Ministry of Finance and the central-level state administrative agency in charge of tourism.

Article 16.

Foreign-invested travel enterprises

1. Foreign-invested travel enterprises shall comply with the provisions of Article 51 of the Law on Tourism.
2. The central-level state administrative agency in charge of tourism shall coordinate with the Ministry of Planning and Investment, the Ministry of Trade and concerned agencies in specifying foreign-invested travel enterprises.

Article 17.

Tourist accommodation establishments

1. Tourist accommodation establishments include:

- a) Hotels;
- b) Tourist villages;
- c) Tourist villas;
- d) Tourist apartments;
- e) Tourist campsites;
- f) Tourist guest houses;
- g) Houses with rooms for tourist rental; and,
- h) Other tourist accommodation establishments.

2. The central-level state administrative agency in charge of tourism shall formulate and announce specific criteria for each type and grade of tourist accommodation establishments; dossier and procedures for their classification and grading for uniform application nationwide.

Article 18.

General conditions for tourist accommodation business

1. Tourist accommodation establishments must not be built in or next to defense or security areas, nor affect the space of the national air-defense battlefield; and must ensure a safety distance from schools, hospitals and areas which cause or may cause pollution.

The Ministry of Construction shall assume the prime responsibility for, and coordinate with the central-level state administrative agency in charge of tourism and concerned agencies in, specifying that distance.

2. Tourist accommodation establishments must have physical-technical foundations and facilities up to prescribed standards.

Article 19.

Trading in conditional goods or services at tourist accommodation establishments

1. When trading in conditional goods or services, hotels or tourist villages of one, two, three, four or five stars, tourist villas or tourist apartments of high class need not apply for business permits (except for prized games, foreign currency trading, sale of duty-free goods and casino business) but must register it with competent state agency beforehand.

2. Persons directly managing, administering or providing conditional services at tourist accommodation establishments must satisfy the conditions and criteria prescribed by law.

Article 20.

Grant of signboards of satisfaction of tourist service standards

1. The grant of signboards of satisfaction of tourist service standards complies with the provisions of Article 20 of the Law on Tourism.

2. The central-level state administrative agency in charge of tourism shall specify standards and models of signboards of satisfaction of tourist service standards.

Chapter V

VIETNAM-BASED BRANCHES AND REPRESENTATIVE OFFICES OF FOREIGN TOURISM ENTERPRISES

Article 21.

Permits for the establishment of Vietnam-based branches or representative offices of foreign tourism enterprises

1. The central-level state administrative agency in charge of tourism shall grant permits for the establishment of Vietnam-based branches or representative offices (referred to as branches for short) of a foreign tourism enterprise which meets all the following conditions:

- a) Being a tourism enterprise recognized lawful by the law of the country where it is established;
- b) Having conducted tourism business for at least 5 years since its establishment or made lawful business registration in accordance with the law of its home country;
- c) Filing a complete and valid dossier as prescribed in Article 22 of this Decree.

2. The provincial-level state agency in charge of tourism shall grant a permit for the establishment of a Vietnam-based representative office of a foreign tourism enterprise (referred to as representative office for short) which meets all the following conditions:

- a) Meeting the requirements at Point a, Clause 1 of this Article;

b) Having conducted tourism business for at least one year since its lawful establishment or made business registration in accordance with the law of its home country;

c) Filing a valid dossier as prescribed in Article 22 of this Decree. **Article 22.**

Dossier of application for a branch-or representative office- establishment permit

1. An application for a branch- or representative office-establishment permit, signed by an authorized representative of the foreign tourism enterprise.

2. Copies of the foreign tourism enterprise's business registration certificate, operation charter or a paper of equivalent legal validity, certified by a competent agency in the locality where the enterprise is established or makes business registration; for the establishment of a branch, a paper of authorization is required, stating the scope of authorization to the branch head.

3. The audited financial statement or paper of equivalent legal validity on the operation of the foreign tourism enterprise in the fiscal year prior to the year of consideration of the permit grant.

The papers mentioned in Clauses 1, 2 and 3 of this Article must be translated into Vietnamese and authenticated or consularly legalized by overseas Vietnamese diplomatic mission or consulate in accordance with Vietnamese law.

Article 23.

Procedures for the grant of branch-or representative office- establishment permits

1. A foreign tourism enterprise shall send a dossier set to the central-level state administrative agency in charge of tourism (if applying for a branch establishment permit) or to the provincial-level state agency in charge of tourism (if applying for a representative office-establishment permit).

2. Within 15 working days after receiving a complete and valid dossier from a foreign tourism enterprise, the central-level state administrative agency in charge of tourism shall evaluate the dossier, grant a branch-establishment permit to the enterprise, and notify such to the provincial-level state agency in charge of tourism, the tax agency, statistical agency and relevant state agency in the locality where the branch is located.

3. Within 15 working days after receiving a complete and valid dossier from a foreign tourism enterprises, the provincial-level state agency in charge of tourism shall evaluate the dossier and grant a representative office-

establishment permit to the enterprise, and notify such to the central-level state agency in charge of tourism, the provincial-level People's Committee, tax agency, statistical agency and relevant state agency in the locality where the representative office is located.

4. If the dossier is invalid, within 3 working days after receiving it, the agency competent to grant branch- or representative office-establishment permits shall notify in writing the foreign tourism enterprise for supplementation and completion of the dossier.

5. If the dossier fails to satisfy the conditions for the grant of branch- or representative office- establishment permit, within 15 working days after receiving it, the competent permit-granting agency shall notify such in writing to the foreign tourism enterprise, clearly stating the reasons.

6. A branch- or representative office-establishment permit's validity term is 5 years but must not exceed the remaining validity duration of the business registration certificate or a paper of equivalent legal validity of the foreign tourism enterprise.

Article 24.

Modification of branch- or representative office- establishment permits

1. Within 10 days after making the following changes, a foreign tourism enterprise shall carry out procedures for modification of its branch- or representative office-establishment permit with the agency, which has granted that permit:

a) Relocation of the branch or representative office within a province or centrally run city;

b) Renaming or change of the contents of operation of the branch or representative office;

c) Replacement of the head of the branch or the chief of the representative office.

2. A dossier of application for modification of a branch- or representative office-establishment permit comprises:

a) An application for modification of the branch-or representative office-establishment permit, signed by an authorized representative of the foreign tourism enterprise;

b) The original of the granted branch- or representative office-establishment permit.

Within 10 working days after receiving a valid dossier from the enterprise, the agency competent to grant branch-or representative office-establishment permits shall modify the permit and send copies of the modified permit to the relevant agencies defined in Clause 2 or 3, Article 23 of this Decree.

Article 25.

Re-grant of branch-or representative office-establishment permits

1. In the following cases, within 15 days after making changes, a foreign tourism enterprise shall carry out procedures for the re-grant of its branch-or representative office-establishment permit:

- a) Renaming or relocating its foundation registration place from one country to another country;
- b) Relocating its branch or representative office from one province or centrally run city to another;
- c) Changing its operation contents.

2. A dossier of application for the re-grant of a branch-or representative office-establishment permit comprises:

- a) An application for the re-grant of a branch-or representative office-establishment permit, signed by an authorized representative of the foreign tourism enterprise;
- b) Copies of the foreign tourism enterprise's business registration certificate or a paper of equivalent legal validity, certified by a competent agency in the locality where the enterprise is founded or registers its business.

The paper defined at Points a and b of this Clause must be translated into Vietnamese and authenticated or consularly legalized by an overseas Vietnamese diplomatic mission or consulate in accordance with Vietnamese law.

c) The original of the granted branch-or representative office-establishment permit.

3. When its branch-or representative office-establishment permit is lost, torn or destroyed, a foreign tourism enterprise shall carry out procedures of application for there-grant of the permit. A dossier of application for the re-grant of a branch-or representative office-establishment permit comprises:

a) An application for the re-grant of a branch-or representative office-establishment permit, signed by an authorized representative of the foreign tourism enterprise;

b) The torn original permit; the branch's or representative office's report on the loss or damage of the permit, certified by the ward/commune-level police office in the locality where the branch or the representative office is located.

4. A re-granted branch-or representative office-establishment permit's validity term must not exceed the validity term of the first granted branch-or representative office-establishment permit.

Procedures for the re-grant of branch-or representative office-establishment permits comply with Article 23 of this Decree.

Article 26.

Extension of branch-or representative office-establishment permits

1. A foreign tourism enterprise may extend its branch-or representative office-establishment permit if it meets all the following conditions:

a) Wishing to continue its operation in Vietnam;

b) Lawfully operating in the country where it is established;

c) Not committing acts prohibited by Vietnam's Law on Tourism and relevant legal provisions during the period of operation in Vietnam.

2. Extension of branch-or representative office-establishment permits

a) At least 30 days before its branch-or representative office-establishment permit ceases to be valid, the concerned enterprise shall send an application for permit extension to the competent agency defined in Clause 1, Article 23 of this Decree;

b) Within 15 days after receiving the enterprise's application, the competent agency shall consider and extend its branch-or representative office-establishment permit; if getting approval, the enterprise shall send the original permit to the competent agency for extension. In case of the competent agency shall notify the enterprise in writing, clearly stating the reason.

3. A branch-or representative office-establishment permit maybe extended many times. The extended duration each time is provided for in Clause 6, Article 23 of this Decree.

Article 27.

Rights and obligations of branches and their heads

A branch and its head have the following rights and obligations:

1. To be entitled to deal in business lines and trades specified in Clauses 2, 3, 4 and 5, Article 38 of the Tourism Law.
2. Within 45 days after being granted an establishment permit, the branch must officially start operation and notify the operation-starting time in writing to the central-level state administrative agency in charge of tourism and the provincial-level state agency in charge of tourism in the locality where the branch is located.
3. Ten working days before relocating a branch or replacing its head, the foreign tourism enterprise must notify such in writing to the central-level state administrative agency in charge of tourism and the provincial-level state agency in charge of tourism in the locality where the branch is located.
4. To annually or extraordinarily report on the branch's operations according to regulations to the central-level state administrative agency in charge of tourism and the provincial-level state agency in charge of tourism in the locality where the branch is located.
5. The branch must neither represent other enterprises nor sublease its office.
6. The head of a branch of a foreign tourism enterprise shall take responsibility for his/her activities and operations of the branch according to Vietnamese law and may not concurrently hold the following posts:
 - a) Chief of a representative office of the same foreign enterprise in Vietnam;
 - b) Chief of a representative office or head of a branch of another foreign enterprise in Vietnam.

Article 28.

Rights and obligations of representative offices and their chiefs

A representative office and its chief have the following rights and obligations:

1. Within 45 days after being granted an establishment permit, the representative office must officially start operation and notify its operation-starting time in writing to the provincial-level state agency in charge of tourism in the locality where it is located.

2. In case of relocation or replacement of the chief of a representative office, within 10 working days the concerned foreign tourism enterprise must notify such to the provincial-level state agency in charge of tourism in the locality where the representative office is located.

3. To annually or extraordinarily reporting according to current regulations on the representative office's operations to the provincial-level state agency in charge of tourism in the locality where the representative office is located.

4. The chief of a representative office must neither represent other enterprises nor sublease its office.

5. The chief of a representative office of a foreign tourism enterprise shall take responsibility for his/her activities and operations of the representative office according to Vietnamese law and may not concurrently hold the following posts:

a) Head of a branch in Vietnam;

b) At-law representative of a foreign enterprise dealing in tourism;

c) At-law representative of an enterprise founded under Vietnamese law.

Article 29.

Revocation of branch-or representative office-establishment permits

1. A branch or representative office has its establishment permit revoked in the following cases:

a) Failing to officially start operation within 6 months after being granted an establishment permit;

b) Ceasing its operation for 6 consecutive months without notifying the permit-granting agency.

c) Failing to periodically report on its operation for 2 consecutive years;

d) Failing to send reports at the request of a competent agency within 6 months from the date of receiving such written request.

e) Failing to operate according to its functions prescribed by law.

2. The agency granting branch-or representative office-establishment permits is also the agency competent to revoke those permits.

Article 30.

Termination of operation of branches or representative offices

1. A branch or representative office shall terminate its operation in the following cases:

- a) It is so requested by the foreign tourism enterprise and approved by a competent authority;
- b) The foreign tourism enterprise terminates its operation in accordance with the law of the country where it is founded or registers its business;
- c) Upon the expiration of a branch's or representative office's operation duration according to its permit, the foreign tourism enterprise has no request for permit extension.
- d) The branch-or representative office-establishment permit has expired but its extension is not approved by the permit-granting agency;
- e) The branch-or representative office-establishment permit is revoked under Clause 1, Article 29 of this Decree.

2. At least 30 days before the date it expects to terminate the operation of a branch or representative office under the provisions of Point a, b or c, Clause 1 of this Article, the foreign tourism enterprise shall notify such to the permit-granting agency, creditors, laborers at the branch or representative office and persons with relevant rights, obligations and interests. The notice must state the expected time of termination of operation of the branch or representative office and must be published in three consecutive issues of a newspaper or an electronic newspaper permitted for circulation in Vietnam.

3. Within 15 days after deciding on the non-extension of a branch-or representative office-establishment permit or after deciding on the revocation of such a permit according to the provisions of Point d or e, Clause 1 of this Article, the permit-granting agency shall publish the termination of operation of the branch or representative in three consecutive issues of a newspaper or an electronic newspaper permitted for circulation in Vietnam, clearly stating the termination time.

4. Within 15 days after a foreign tourism enterprise and its branch or representative office fulfill their obligations defined in Clause 2 or 3, Article 31 of this Decree, the branch-or representative office-establishment permit-granting agency shall delete the name of the representative office or branch in the register.

5. Within 15 days after deleting the name of a branch, the central-level state administrative agency in charge of tourism shall notify the termination of operation of the branch to the provincial-level People's Committee, the

provincial-level state agency in charge of tourism, tax agency, statistical agency and concerned state agencies in the locality where the branch is located.

Within 15 days after deleting the name of a representative office, the provincial-level state agency in charge of tourism shall notify the termination of operation of the representative office to the central-level state administrative agency in charge of tourism, the provincial-level People's Committee, tax agency, statistical agency and concerned state agencies in the locality where the representative office is located.

Article 31.

Obligations of foreign tourism enterprises toward branches and representative offices

1. A foreign tourism enterprise shall take responsibility before law for all operations of its branches or representative offices in Vietnam.
2. At least 15 days before a branch or representative office terminates its operation under the provisions of Point a, b or c, Clause 1, Article 30 of this Decree, the foreign tourism enterprise, its branch and representative office shall pay all debts and fulfill other obligations toward the State, concerned organizations and individuals in accordance with law.
3. Within 60 days after terminating the operation of its branch or representative office under the provisions of Point d or e, Clause 1, Article 30 of this Decree a foreign tourism enterprise is obliged to pay all debts and fulfill other obligations toward the State, concerned organizations and individuals in accordance with law.

Chapter VI

TOURIST GUIDING

Article 32.

Conditions for the grant of domestic tourist guide's cards

A person meeting all the following conditions may be granted a domestic tourist guide's card:

1. Having Vietnamese nationality, permanently residing in Vietnam, having full civil act capacity.
2. Being not infected with a contagious disease, not using habit-forming substances.

3. Attaining one of the following degrees:

- a) A tourist guiding diploma of intermediate or higher level;
- b) A tourism diploma not in the tourist guiding discipline and a tourist guide training certificate granted by a competent training establishment;
- c) An intermediate diploma in another discipline and a tourist guide training certificate granted by a competent training establishment.

Article 33.

Conditions for the grant of international tourist guide's cards

A person meeting all the following conditions may be granted an international tourist guide's card:

1. Meeting the conditions prescribed in Clauses 1 and 2, Article 32 of this Decree.
2. Attaining one of the following degrees:
 - a) A university or higher-level diploma in the tourist guiding discipline;
 - b) A university diploma in another discipline and a domestic tourist guide's card;
 - c) A university diploma in another discipline and a tourist guide training certificate granted by a competent training establishment.
3. Attaining one of the following levels of foreign language proficiency:
 - a) A foreign language university or higher-level diploma;
 - b) A foreign university or higher-level diploma;
 - c) An appropriate foreign language certificate granted by a competent training establishment.
4. The central-level state administrative agency in charge of tourism shall assume the prime responsibility for, and coordinate with the Ministry of Education and Training and the Ministry of Culture and Information in, providing and publicizing specific conditions, contents and time for tourist guide training for uniform implementation nationwide.

Article 34.

Procedures for the grant and re-grant of tourist guide's cards

1. A person applying for the grant or re-grant of a tourist guide's card shall submit a dossier prescribed in Clause 1, Article 74; Clauses 1 and 2, Article 75 of the Tourism Law to one of the provincial-level state agencies in charge of tourism throughout the country.

2. A person applying for the re-grant of a tourist guide's card shall submit a dossier to the provincial-level state agency in charge of tourism, which has granted it the tourist guide's card. The validity duration of the re-granted card is equal to the remaining validity duration of the granted card.

Article 35.

Grant of tourist guide's cards

1. The central-level state administrative agency in charge of tourism shall:

- a) Perform management in order to grant tourist guide's cards properly and uniformly nationwide;
- b) Inspect and supervise the observance of regulations on the grant of tourist guide's cards.

2. The provincial-level state agency in charge of tourism shall:

- a) Grant, re-grant, renew or revoke tourist guide's cards;
- b) Annually submit sum-up reports on the grant, re-grant, renewal and revocation of tourist guide's cards in localities to the central-level state administrative agency in charge of tourism.

Article 36.

Narrators

1. Narrators shall abide by the provisions of Article 78 of the Law on Tourism.

2. The central-level state administrative agency in charge of tourism shall coordinate with the Ministry of Culture and Information in providing in detail for narrators.

Chapter VII

TOURISM PROMOTION

Article 37.

Forms of tourism promotion

1. To propagate and popularize tourism on the mass media inside and outside the country.
2. To develop products for tourism propagation and popularization. 3. To publicize new tourism products.
4. To survey new spots for tourist arrivals.
5. To organize and implement national, regional and local programs, events, fairs, workshops, exhibitions and communication activities on tourism (inside and outside the country).
6. To enter into international cooperation on tourism.
7. To establish overseas tourism representative offices.
8. Other forms of tourism promotion.

Article 38.

Contents of tourism promotion

1. To propagate and widely introduce the country, people and culture of Vietnam; beautiful landscapes; historical, revolutionary and cultural relics; tourist resorts, tours, tourist spots and tourist cities; tourism potential and strengths of the country. To raise public awareness about tourism, creating a civilized, healthy and safe tourism environment.
2. To study and explore domestic and foreign markets; to establish a national tourism database; to create and popularize tourism products.
3. To formulate criteria and organize the conferment of national tourism titles to prominent enterprises in tourism business.
4. To combine tourism with investment and trade promotion, with cultural exchange and other domains so as to promote tourism at home and abroad.
5. Other tourism promotion activities.

Article 39.

Responsibilities for tourism promotion

1. The central-level state administrative agency in charge of tourism:
 - a) To work out national tourism promotion programs and submit them to competent authorities for approval and implementation in each period;

b) To organize the implementation of national tourism programs, events, fairs, workshops and exhibitions.

2) Provincial-level People's Committees:

a) To work out, and organize the implementation of local tourism programs, events, fairs, workshops and exhibitions;

b) To coordinate with the central state administrative agency in charge of tourism and other localities in tourism promotion activities.

3. Tourism enterprises, organizations and individuals may organize or coordinate with other organizations and individuals in organizing tourism promotion activities inside or outside the country, and participate in national tourism promotion programs.

Article 40.

Overseas Vietnamese tourism representative offices

1. An overseas Vietnamese tourism representative office is an organization representing the central-level state administrative agency in charge of tourism in the host country and the countries which that office is assigned to take charge of (referred to as office for short).

2. Offices are set up in key tourism markets and international exchange hubs with convenient positions for tourism cooperation between Vietnam and the host countries as well as the countries which offices are assigned to take charge of.

The setting up and operation of offices are decided by the Prime Minister at the proposal of the central-level state administrative agency in charge of tourism.

3. Offices are placed under the management of Vietnamese diplomatic missions and consulates in the host countries and the central-level state administrative agency in charge of tourism in accordance with the laws of Vietnam and the host countries.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 41.

Implementation effect

1. This Decree takes effect 15 days after its publication in CONG BAO. All previous regulations contrary to this Decree are annulled.

2. This Decree replaces the Government's Decree No. 27/2001/ND-CP dated June 5, 2001, on travel business and tourist guiding; Decree No. 39/2000/ND-CP dated August 24, 2000, on tourism accommodation establishments; provisions on Vietnam-based branches and representative offices of foreign tourism enterprises in the Government's Decree No. 45/2000/ND-CP dated September 6, 2000, providing for Vietnam-based representative offices and branches of foreign traders and foreign tourism enterprises.

Article 42.

Transitional provisions

1. Travel business enterprises, Vietnam-based branches and representative offices of foreign tourism enterprises, which have registered business, have been granted international travel business permits and establishment permits before this Decree takes effect may continue operation according to their permits but, within 12 months after this Decree takes effect, shall comply with all business and establishment conditions for branches or representative offices in accordance with this Decree.

2. Tourist guides who have been granted tourist guide's cards before this Decree takes effect may continue guiding tourists but, within 24 months after this Decree takes effect, shall comply with all the conditions prescribed in this Decree.

3. Tourism accommodation establishments which have registered business before this Decree takes effect may continue their business but, within 12 months after this Decree takes effect, shall comply with all the conditions prescribed in this Decree.

Article 43.

Organization of implementation

1. The central-level state administrative agency in charge of tourism shall guide the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial/municipal People's Committees shall implement this Decree.

ON BEHALF OF THE GOVERNMENT

PRIME MINISTER

(Signed and sealed)

Nguyen Tan Dung

(This translation is for reference only)