

CIRCULAR

With amendments and additions to some articles of Article 15/2012-TT-BVHTTDL; Circular No. 07/2012/TT-BVHTTDL; Circular No. 88/2008/TT-BVHTTDL and Circular No. 05/2013/TT-BVHTTDL

Pursuant to the Law on promulgation of legal documents dated 3 June 2008;

Pursuant to Decree No. 76/2013/ND-CP dated 16 July 2013 of the Government stipulating functions, duties, rights and organizational structure of Ministry of Culture, Sports and Tourism;

Having considered the request made by Director General of Legal Affairs Department;

Ministers of Culture, Sports and Tourism hereby revised Circular with amendments and additions to some articles of Circular No. 15/2012/TT-BVHTTDL; Circular No. 07/2012/TT-BVHTTDL; Circular No. 88/2008/TT-BVHTTDL and Circular No. 05/2013/TT-BVHTTDL;

Article 1. Amendments and additions made to Circular No. 15/2012/TT-BVHTTDL dated 13 December 2012 of Minister of Cultural, Sports and Tourism regarding guidance on appraisal works for the copyright on appraisal activities for copyright and relevant rights.

1. Item b, clause 4, Article 11 may be revised and additions as following.

“b) Appraising organization which are requested to re-grant certificate shall implement document appraisal through post or at headquarter of Copyright Office of Ministry of Culture, Sports and Tourism. Documents shall include:

Statement requesting for re-granting the certificate on appraisal organization (following the form at Appendix I issued in attachment with this Circular);

The copy (certified) of recruitment decisions, labour contracts or working contracts between the organization and the appraiser working for the organization (in case there are any changes compared with contents mentioned in the Certificate which was granted to the appraising agency).

In case of damages, it is required to re-submit the damaged certificate. In case there are any changes on information, legal documents proving such changes shall be required and the certificate for the appraising agency shall be re-submitted”.

2. Revising Appendix No. 4 issued in attachment with Circular No. 15/2012/TT-BVHTTDL regarding the form of statement requesting for granting and re-granting the certificate for the appraisal organization for copyright and other relevant rights (following forms at Appendix I issued in attachment with this Circular).

2. Making amendments and additions to Circular No. 07/2012/TT-BVHTTDL dated 16 July 2012 of Minister of Culture, Sports and Tourism regarding guidance on Decree No. 32/2012/ND-CP dated 12 April 2012 of the Government regarding management of non-business cultural product import and export .

1. Item c, clause 1, article 3 shall be revised and added as following:

“c) The copy of decision given by a competent agency regarding the allowance for cooperating with foreign countries in making films; the copy of decision given by Ministry of Culture, Sports and Tourism regarding the allowance for exporting relics and antiques (including re-exported relics and antiques)”.

2. Clause 2, Article 3 shall be revised and added as following:

“2. The maximum appraising time shall not exceed 10 working days since the receipt of all eligible documents. In special cases, the maximum appraising time shall not exceed 15 working days. Minutes of appraisal for cultural products shall be the basis for customs authority to deal with procedures on cultural product export”.

Article 3. Making amendments and additions to Circular No. 88/2008/TT-BVHTTDL dated 30 December 2008 of Minister of of Culture, Sports and Tourism regarding guidance on the implementation of Decree No. 92/2007/ND-CP dated 1 June 2007 of the Government regarding detailed regulations on the implementation of some articles of the Tourism Law on tourism stay.

1. Item 2.6, section 2, Part III shall be revised and added as following:

“2.6. At least 3 month prior to the deadline as mentioned in the decision on recognition of grade, tourism accommodation establishments shall send one (01) set of registration document to Department of Culture, Sports and Tourism/ Tourism Department. The order and procedures requesting for re-appraisal and re-grading will be as same as for those requesting for the first appraisal and re-grading.

Documents for re-appraising and re-grading shall include:

- a) Request for re-grading tourism accommodation establishments (following form at Appendix II issued in attachment with this Circular);
- b) The Schedule on assessment on the quality of tourism accommodation establishments as regulated in the national standards on grading tourism accommodation establishments.
- c) List of managers and staff working in tourism accommodation establishments as mentioned at Appendix 2, Circular No. 88/2008/TT-BVHTTDL;
- d) Copies with legal value;

Business Registration Certificate/ Household Registration Certificate of tourism accommodation establishments, decision on enterprise establishment (if there are any changes in Business Registration Certificate/ Household Registration Certificate);

Degrees, certificates, certificates on profession fostering and working duration in the field of tourism as for managers;

Certificates proving the eligibility in aspect of food safety (as for tourism accommodation establishments which provide beverage services).

Documents requesting for appraising and grading from 1 star to 5 stars or high grade, apart from documents and papers mentioned above, copies with legal value of degrees, certificates on profession and foreign language of heads of reception, room, tables, bars, kitchen and security men shall be also required”.

2. Revising Appendix 9 issued in attachment with Circular No. 88/2008/TT-BVHTTDL regarding request for provision of standard signs to serve tourists (following forms at Appendix III issued in attachment with this Circular).

Article 4. Making amendments and additions to Circular No. 05/2013/TT-BVHTTDL dated 29 July 2013 of Minister of Culture, Sports and Tourism stipulating the development of national standards and national specifications of Ministry of Culture, Sports and Tourism

1. Delete item e, clause 2, article 11

2. Item g, clause 2, article 11 shall be revised and additions as following:
“g) Complete draft national standards and send documents to Ministry of Culture, Sports and Tourism for verification.

Draft national standards to be requested for verification shall include:

- Official Letter requesting for verifying documents and draft national standards of the compiling agency.
- Decisions on assigning works on the implementation of the project on development of national standards in attachment with the approval document for the project on development of national standards.
- Progress report on the preparation of the draft national standards of the compiling agency.

- Draft national standards which were finalized on the basis of acceptance opinions of the project on development of national standards (including both draft standards and electronic files), in attachment with presentation; copies of original documents which are used as the basis for drafting national standards; other reference documents.
- The list of agency, organization, individuals to which draft national standards were sent for opinions; comprehensive documents and presentation, opinions in attachment with documents

Contents which are offered for opinions by note of judgements on draft national standards following forms stipulated at Appendix XI issued in attachment with Circular No. 05/2013/TT-BVHTTDL dated 29 July 2013 stipulating the development of national standards and specification of Ministry of Culture, Sports and Tourism

The number of documents sent for verification shall be (10) ten sets”.

3. Item a, clause 1, article 12 shall be revised and additions as following:

“a) Verification council comprise seven (07) to nine (09) members, including Chairman and other members

- Representatives of agencies and units subordinated to Ministry of Culture, Sports and Tourism concerned with subjects which develop national standards (making up at least $\frac{1}{2}$ of the number of members in the Council).

- Prestigious and qualified experts inside or outside the Ministry, they have good understanding about the group of subjects which develop national standards.

- Representatives of specialized managing agency subordinated to Ministry of Culture, Sports and Tourism, Directorate for Standards, Metrology and Quality.

Members of professional technique sub-committee shall not be considered as members of the verification council”.

4. Supplement item h to clause 2, article 2, Appendix VII as following:

“h) Party B shall take the responsibility for contents and results of the study on the development of national standards and specifications following the approved project”.

5. Replacing the phrase “The website of Ministry of Culture, Sports and Tourism” by “Portal of Ministry of Culture, Sports and Tourism” and the phrase “Technical Committee” by “Professional Technique Sub-Committee” in the whole text.

Article 5. Effectiveness

1. This Circular shall take effect from 15 August 2016.

2. During implementation, any arising difficulties or problems shall be timely reflected to Ministry of Culture, Sports and Tourism for study, amendment and additions.

Recipients:

- Secretariat of Central Party Committee;
- Prime Minister, Deputy Prime Ministers;
- Central Office and committees of the party;
- President Office;
- Office of the National Assembly;
- Ethnic Council and committees of the National Assembly;
- Central Committee of Vietnam Fatherland Front;
- Ministers, ministerial-level bodies subordinated to the Government;
- Supreme People's Court;
- People's Supreme Procuracy;
- People's Council, People's Committee of provinces and cities under the Central;
- Governmental Office: Minister, Chairman and Vice Chairmen, websites,
- Text Inspection Bureau (Ministry of Justice);
- Administrative Procedures Control Bureau;
- Minister and Vice Ministers of Ministry of Culture, Sports and Tourism;
- Agencies subordinated to Ministry
- Subordinated
 - Department of Culture, Sports and Tourism in central provinces and cities;
- Official Gazette; Website of Ministry of Culture, Sports and Tourism;
- Filed.

MINISTER

(signed)

Nguyen Ngoc Thien

Appendix I

(issued in attachment with Circular No. 04/2016/TT-BVHTTDL dated 29 June 2016 of Ministry of Culture, Sports and Tourism);

FORM OF STATEMENT REQUESTING FOR GRANTING/RE-GRANTING CERTIFICATES FOR APPRAISAL ORGANIZATION FOR COPYRIGHT AND RELEVANT RIGHTS

To: Copyright Office of Vietnam

(1) INFORMATION ABOUT THE ORGANIZATION REQUESTING FOR GRANTING CERTIFICATE ON APPRAISAL ORGANIZATION

Name of organization:

Decision on Establishment/ Registration for Operation No. issued on

At:

Address:

Telephone:

Fax:

Email:

(2) CONTENTS OF REQUESTS

Granting certificate for the 1st time

Re-granting certificate

Number of issued certificate:

Reasons for re-granting: Certificate get lost

Certificate get damaged Changes in

information of certificate

(3) LIST OF APPRAISERS OF THE ORGANIZATION

No.	Full name	Number of Appraiser Card	Profession

(4) CASE OF RE-GRANTING DUE TO CHANGES IN INFORMATION OF CERTIFICATE

Number of the issued certificate:

Name of organization/ agency:

Decision on establishment/ Number of Operational Registration issued on

..... At

Address:

Telephone:

Fax:

Email:

List of appraiser:

No.	Full name	Number of	Profession
-----	-----------	-----------	------------

		Appraiser Card	

(5) DOCUMENTS IN THE RECORDS - Statement in form - Copy (certified) of the decision on establishment/ Business Registration - Copy (certified) of the decision on labour recruitment or labour contract. - Issued certificate for appraisal organization	RECORDS COMPRISES THE FOLLOWING DOCUMENTS (for officers receiving documents) Officer (sign and clearly state full name)
(6) COMMITMENT OF DECLARANT I hereby assure that information and documents in the record is true and will take full responsibility to law. , <i>date</i>.....<i>month</i><i>year</i> <i>Declarant</i> <i>(sign, clearly state full name, position and seal)</i>	

Appendix II

(issued in attachment with Circular No. 04/2016/TT-BVHTTDL dated 29 June 2016 of Ministry of Culture, Sports and Tourism);

NAME OF ENTERPRISE
NAME OF ACCOMMODATION ESTABLISHMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

....., 14 November 2016

REQUEST FOR RE-GRADING TOURISM ACCOMMODATION ESTABLISHMENT

To: - Vietnam National Administration of Tourism

(for from 3-star grade upwards or high grade)

- Department of Culture, Sports and Tourism/ Tourism

Department of the province/ (city)

In implementation of Circular No. 88/2008/TT-BVHTTDL dated 31 December 2008 of Minister of Culture, Sports and Tourism, after studying criteria for grading tourism accommodation establishments in all kinds, we would like to kindly request (*) you to consider and re-grade the tourism accommodation establishment.

1. General information about the tourism accommodation establishment.

- Type and name of the tourism accommodation establishment

- Address:

- Telephone: Fax: Email: Website:

- Business starting time:

- Recognized grade: under Decision No. date

..... /

2. Facilities:

- Total initial investment:

- Total investment for upgrading:

- Total land area (m2):

- Total construction land area (m²);

- Total number of rooms:

The average room capacity (%):

No.	Kind of room	Number of rooms	Room price	
			VND	USD
1				
2				
...				

- Services provided by the tourism accommodation establishment:

3. Managers and servers:

- Total:

In which:

Directly:

Reception:

Kitchen:

Indirectly:

Room:

Others:

Directorate:

Table, bar:

- Education:

Post-university:

University:

College:

Vocational training school:

Intermediate school:

High school:

- To be professional trained (%):

- Foreign language (%):

- Grade to be requested:

We hereby commit to perform works in a serious manner and ensure the quality as required by standards./.

**DIRECTOR OF ENTERPRISE
OR TOURISM ACCOMMODATION ESTABLISHMENT**

(sign, seal and clearly state full name)

Note: (*) Heads of the state agency in charge of tourism under grading competence)

Appendix III

(issued in attachment with Circular No. 04/2016/TT-BVHTTDL dated 29 June 2016 of Ministry of Culture, Sports and Tourism);

NAME OF ENTERPRISE
Name of service establishment

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

....., 14 November 2016

**REQUEST FOR PROVIDING STANDARD SIGN
TO SERVE TOURISTS**

To: Department of Culture, Sports and Tourism/
Tourism Department of the province/ (city)

- Name of beverage or shopping business establishment:

- Address:

- Telephone: Fax:

Email: Website:

- Number of business registration certificate:

- Total managers and servers:

- You are kindly requested to provide standard sign to serve tourists.

We hereby commit to perform works in a serious manner and ensure the quality as required by standards./.

Recipients:

**DIRECTOR OR HEAD OF THE
ESTABLISHMENT**

- As above-mentioned;
- Filed.

(sign, seal and clearly state full name)