

No. 01/2016/TT-BVHTTDL

Ha Noi, March 24, 2016

CIRCULAR

DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF DECREE No. 79/2012/NĐ-CP DATED OCTOBER 05, 2012 BY THE GOVERNMENT ON ART OR FASHION SHOW; MODAL CONTESTS AND BEAUTY CONTESTS; THE CIRCULATION AND TRADE OF AUDIO AND VIDEO RECORDINGS OF ART PERFORMANCES AND DECREE NO. 15/2016/NĐ-CP DATED MARCH 15, 2016 BY THE GOVERNMENT AMENDING A NUMBER OF ARTICLES OF DECREE No. 79/2012/NĐ-CP

Pursuant to the Decree No. 79/2012/NĐ-CP dated October 05, 2012 by the Government on art or fashion show; modal contests and beauty contests; the circulation and trade of audio and video recordings of art performances;

Pursuant to Decree No. 15/2016/NĐ-CP dated March 15, 2016 by the Government amending a number of articles of Decree No. 79/2012/NĐ-CP dated October 05, 2012 by the Government;

Pursuant to Decree No. 76/2013/NĐ-CP dated July 16, 2013 by the Government defining functions, tasks, powers and organizational structure of the Ministry of Culture, Sports and Tourism;

At the request of the Director of the Department of Performing arts,

The Minister of Culture, Sports and Tourism hereby promulgates the Circular detailing the implementation of a number of articles of the Decree No. 79/2012/NĐ-CP dated October 05, 2012 by the Government on art or fashion show; modal contests and beauty contests; the circulation and trade of audio and video recordings of art performances and the Decree No. 15/2016/NĐ-CP dated March 15/2016/NĐ-CP, 2016 by the Government amending a number of articles of Decree No. 79/2012/NĐ-CP.

Article 1. Other kinds of performing arts (mentioned in clause 2 Article 2 of Decree No. 79/2012/NĐ-CP)

Other kinds of performing arts include: Art dance; installation art performance; street art performance.

Article 2. Notification of contents of art or fashion shows; model contests and beauty contests (provided for in clause 2 Article 1 of Decree No. 15/2016/NĐ-CP)

1. Any entities would like to hold an art or fashion show or beauty or model contest shall send 01 set of application by hand or by post to the Service of Culture, Sports and Tourism or the Service of Culture and Sports of the area where the show or contest is located. The application shall include:

a) 01 written notification using the Form No. 01;

b) A Permit to hold an art or fashion show enclosed with an approved List of contents of the show/contest; a Permit enabling a foreign organization/individual or a Vietnamese individual settled overseas to give performance at an art or fashion show or a permit to hold a beauty or model contest (a certified true copy or a duplicate enclosed with the original for comparison);

c) A List of the contents of the show/contest, including names of the works, authors and performers (applicable to art or fashion shows which are not required to carry out the procedures for application for the permit as specified in clause 1 Article 11, clause 1 Article 13, clause 1 and clause 2 Article 15 of Decree No. 79/2012/NĐ-CP; clause 1 Article 12, clause 2 Article 14 of Decree No. 79/2012/NĐ-CP amended in clauses 7 and 8 Article 1 of Decree No. 15/2016/NĐ-CP).

2. Within 04 working days from the day on which the satisfactory application is received, the Services of Culture, Sports and Tourism shall send a written response to the applicant (using the form No. 02); the refusal shall be made only in case of state funeral; natural disaster; epidemic or in case the security and politic situations san seriously affect social order and safety in local areas.

Article 3. Acts which performers in art or fashion shows and persons receiving main titles in beauty contests or model contests must not perform, disseminate or circular (specified in clause 1 Article 1 of Decree No. 15/2016/NĐ-CP)

1. Acts which performers in art or fashion shows and persons receiving main titles in beauty contests or model contests must not perform include:

a) Recording pictures or videos of a person who does not wear clothes or wears offensive clothes and/or make-up and intentionally or unintentionally posting such pictures or videos on the Internet;

b) Recording pictures, sounds or videos of a collective or a person giving performance containing contents violating regulations in Article 6 of Decree No. 79/2012/NĐ-CP by the Government and intentionally or unintentionally posting such pictures, sounds or videos on the Internet;

c) Performing acts or speaking contrary to the value or standards of social ethics, fine customs and habits or cultural traditions of Vietnam, contrary to provisions of laws or intentionally or unintentionally disseminate via communication media to the society that lead to bad consequences.

2. The assessment council established according to regulations in Circular No. 15/2013/TT-BVHTTDL dated December 24, 2013 by the Minister of Culture, Sports and Tourism shall be responsible for concluding and assessing the characteristic and the severity of the violations committed by an art or fashion show performer; a person receiving a main title in a beauty contest or a model contest and requesting a competent authority to impose penalties according to laws.

Article 4. Procedures for revocation of a permit (specified in clause 3 Article 1 of Decree No. 15/2016/NĐ-CP)

1. Depending on nature and severity of the violations, the competent agency shall make a decision to revoke the permit in the following cases:

- a) The permit has been issued ultra vires;
- b) The organization/individual commits a violation against regulations in Article 6 of Decree No. 79/2012/NĐ-CP and Points a, b, c, g and h clause 2, points a and b clause 3 and clause 5 Article 7 of Decree No. 79/2012/NĐ-CP amended by clause 2 Article 1 of Decree No. 15/2016/NĐ-CP.

2. Procedures:

- a) Inspectorates in charge of culture, sports and tourism shall be responsible for making records when finding that a permit is issued ultra vires or an organization/individual commits a violation and requesting the permit-issuing agency to revoke the permit;
- b) Within 03 working days from the day on which the administrative violation record is made, the record-making agency shall send a duplicate of the record and a written proposal for revocation of the permit to the permit-issuing agency (using the form No. 03);
- c) Within 03 working days from the day on which the written proposal for revocation of the permit is received, the permit-issuing agencies shall consider issuing the decision to revoke and notify the relevant organizations and individuals (using the form No. 04). If the proposal is rejected, a written response shall be made.

Article 5. Holding contests and art festivals (provided for in Article 16 of Decree No. 79/2012/NĐ-CP)

1. Competence to hold contests and art festivals

Depend on the features of the specific type of art, the capacity to hold, the effectiveness of each contest/festival, the Ministry of Culture, Sports and Tourism shall assign the Department of Performing arts or specialized art and literature associations of Central (Vietnam Association of Dramatic Artists, Vietnam Association of Dance Artists, Vietnam Musicians' Association) to take responsibility for holding the contest/festival.

2. Time for holding the contest/festival:

- a) Contests for artist units including Vietnamese opera (tuồng, chèo, cải lương), drama, folk drama and art of songs and dances shall be held once per 03 years;
- b) Contests for groups of artists, artists for dramatic types and the art of songs and dances shall be held once per 03 years;
- c) Festivals shall be held in the period between a couple of contests and shall be held every 03 years;
- d) International contests and festivals hosted by Vietnam shall be held according to the Project of the Ministry of Culture, Sports and Tourism.

3. Award structure:

- a) Awards in contests for artist units:
 - For plays, shows, acts and artists: gold and silver medals;

- For groups of artists, authors, theatre directors, painters, songwriters, choreographers, orchestra conductors, costume designers, sound and light designers.

b) Awards in contests for groups of artists and artists: gold and silver medals;

c) Awards in domestic festivals: gold and silver medals for shows and acts and artists involved in such shows and acts;

d) Awards in domestic contests and festivals: prize money and certificate. The amount of the prize money shall be specified by the Minister of Culture, Sports and Tourism or Presidents of People's Committees of provinces;

dd) Awards in international festivals: gold and silver medals for shows and acts and artists involved in such shows and acts, enclosed with certificates and award cups.

Article 6. Contestants with natural beauty (specified in Point a clause 1 Article 19 of Decree No. 79/2012/NĐ-CP)

Contestants with natural beauty are contestants who have not experienced cosmetic surgeries.

Article 7. Contents and form of the project on holding a beauty or model contest (provided for in Clause 12 Article 1 of Decree No. 15/2016/NĐ-CP)

1. Name of the contest displayed in Vietnamese. If the name is in a foreign language, its Vietnamese name shall be written before the foreign language name.

2. Purposes and meanings of the contest which are specified and in accordance with the name, scale and scope of the contest.

3. Regulations of the contest specifying the requirements for each contestant.

4. Contents, order, time and place of the contest.

5. Titles and award structure, value and time of award.

6. Rights and obligations of organizations/individuals holding the contest.

7. Rights and obligations of contestants and people receiving main titles.

a) Regarding contestants:

- Comply with regulations of the contest issued by the holding organization;

- Attend all the parts of the contest specified in the organization project (hereinafter referred to as the project).

b) Regarding contestants receiving main titles:

Within 24 months from the day on which the highest title in the contest is awarded, the contestant must conduct social and charitable activities according to the plan made by the organization committee which has been approved by the agency issuing permit.

8. The component and operation regulation of the organizing committee and the judge panel.

9. Funding for the contest, enclosed with the proof of the financial sources for holding the contest.

10. The model of the form for registration (form No. 05).

Article 8. Judge panel of beauty or model contest (provided for in Clause 12 Article 1 of Decree No. 15/2016/NĐ-CP)

1. Only 01 judge panel shall be established for each beauty or model contest.
2. The judge panel shall be comprised of professionals in: anthropometry, aesthetics, performing arts, cinematography, photography, sociology. Depending on the characteristics of the contest, the organizing committee may invite professionals in other fields.
3. Members of permit issuing agencies, organizing units and the sponsors must not be components of the judge panel.

Article 9. Procedures for application for approval for venue of hosting beauty/model contest's final round (provided for in clause 12 Article 1 of Decree No. 15/2016/NĐ-CP)

1. Any entities holding the contest who request the People's Committee of province to grant approval for the venue of hosting the contest's final round shall send 01 application by hand or by post to the Service of Culture, Sports and Tourism or the Service of Culture and Sports. The application shall comprise:
 - a) 01 application form using the form No. 06;
 - b) The project;
 - c) 01 duplicate of the establishment decision or the certificate of enterprise registration.

2. Time limit for response:

Within 07 working days from the day on which the satisfactory application is received, the Service of Culture, Sports and Tourism or the Service of Culture and Sports shall request the People's Committee of province to take responsibility for promulgating a written approval for the venue of hosting the beauty/model contest's final round (using the form No. 07). If the application is rejected, a written response containing explanation shall be sent.

Article 10. Cases where the application for the permit to hold the beauty/model contest is rejected (provided for in Clause 12 Article 1 of Decree No. 15/2016/NĐ-CP)

1. The application is not conformable to the requirements specified in clause 12 Article 1 of the Decree No. 15/2016/NĐ-CP and this Circular.
2. The applicant fails to prove its capability and experience in the project.
3. The contest is not conformable to the regulations specified in clauses 4 and 5 Article 2 of Decree No. 79/2012/NĐ-CP.

Article 11. Main titles in beauty or model contests (provided for in Clause 13 Article 1 of Decree No. 15/2016/NĐ-CP)

Main titles are three titles awarded to the contestants having the highest scores in descending order.

Article 12. Processing of audio and video recordings after the time limit for deposit (provided for in clause 15 Article 1 of Decree No. 15/2016/NĐ-CP)

1. The Department of Performing arts, Services of Culture, Sports and Tourism or Services of Culture and Sports shall publicly dispose or destroy audio and video recordings which exceed the time limit for deposit.

2. Disposal/destruction documents shall comprise:

a) A Decision to establish the Council for disposing/destroying audio and video recording exceeding the deposit time limit issued by the Department of Performing arts, a Service of Culture, Sports and Tourism or a Service of Culture and Sports. Members of the Council for disposing shall be heads of agencies specified in clause 1 of this Article, representatives of profession division, finance and administration division;

b) A record of the disposal/destruction of audio and video recording exceeding the deposit time limit.

Article 13. These following forms shall be enclosed with this Circular

1. Form No. 01: Notification of the organization of an art or fashion show; beauty or model contest.

2. Form No. 02: Approval for the notification of the organization of an art or fashion show; beauty or model contest.

3. Form No. 03: Application for revocation of a permit.

4. Form No. 04: Decision to revoke the permit for performing or organizing art or fashion show; beauty or model contest; sale of audio and video recordings of art performances.

5. Form No. 05: Registration to participate in a beauty/model contest.

6. Form No. 06: Application for the approval for the venue of hosting the beauty/model contest's final round from provincial People's Committees

7. Form No. 07: Approval for the venue of hosting the beauty/model contest's final round.

8. Form No. 08: Permit for holding an art or fashion show.

9. Form No. 09a: Permit for foreign organization/individual to hold an art or fashion show.

10. Form No. 09b: Permit for Vietnamese individuals residing overseas to hold an art or fashion show.

11. Form No. 10: Permit for holding a domestic or international beauty/model contest.

12. Form No. 11: Permit for participating in an international beauty/model contest.

13. Form No. 12: Permit approving the contents of an audio/video recording of art performances which is domestically produced or imported.

14. Form No. 13: Permit for publishing works composed before 1975 and works composed by Vietnamese residing overseas.

15. Form No. 14: Commitment to fully comply with laws on authors' right.

Article 14. Effect

1. This Circular comes into effect from May 15, 2016.
2. Circular No. 03/2013/TT-BVHTTDL dated January 28, 2013 by the Minister of Culture, Sports and Tourism detailing the implementation of a number of articles of the Decree No. 79/2012/NĐ-CP dated October 05, 2012 by the Government on art or fashion show; modal contests and beauty contests; the circulation and trade of audio and video recordings of art performances shall be annulled by the effect of this Circular.
3. Article 3 of Circular No. 19/2014/TT-BVHTTDL dated December 08, 2014 by the Minister of Culture, Sports and Tourism amending a number of articles of the Circular No. 88/2008/TT-BVHTTDL, Circular No. 17/2010/TT-BVHTTDL and Circular No. 03/2013/TT-BVHTTDL shall be annulled by the effect of this Circular.

Article 15. Responsibilities in implementation

1. The Director of the Department of Performing arts, Directors of Services of Culture, Sports and Tourism, Directors of Services of Culture and Sports of provinces and central-affiliated cities and relevant organizations and individuals shall be responsible for implementing this Circular.
2. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Culture, Sports and Tourism for consideration and solution./.

THE MINISTER

Hoang Tuan Anh