

THE GOVERNMENT

Decree No. 68/2011/ND-CP dated August 08, 2011 of the Government amending and supplementing a number of articles of the Government's Decree No. 37/2007/ND-CP of March 9, 2007, on property and income transparency

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

Pursuant to the November 25, 2005 Anti-Corruption Law and the August 4, 2007 Law Amending and Supplementing a Number of Articles of the Anti-Corruption Law;

At the proposal of the Government Inspector General.

DECREES:

Article 1. To amend and supplement a number of articles of the Government's Decree No. 37/2007/ND-CP of March 9, 2007, on property and income transparency (below referred to as Decree No. 37/2007/ND-CP)

1. To amend and supplement Article 3 as follows:

"Article 3. Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Property and income declaration means the clear writing of types of property and incomes to be declared by a person who is obliged to declare property and incomes in the form promulgated together with this Decree;
2. First-time property and income declaration means the first-time annual declaration by a person who is obliged to declare but has not made an declaration under the Anti-Corruption Law;
3. Additional property and income declaration means the annual declaration from the second time on by a person who is obliged to declare;
4. To-be-declared property and incomes include houses, construction works, land use rights: precious metals, gems, money, valuable papers and other type of property each valued at VND 50 million or more: property and bank accounts overseas equivalent to VND 50 million or more: and total actual incomes in the declaration period;
5. Change in to-be-declared property and incomes means the increase or decrease of to-be-declared property and incomes compared to the latest declaration:

6. Property and income verification means the consideration and assessment of, and conclusion on, the truthfulness of the property and income declaration, which are carried out by competent agencies, organizations or units according to the order and procedures defined in the Anti-Corruption Law, Decree No. 37/ 2007/ND-CP and this Decree:

7. Agencies, organizations and units include state agencies, political organizations, sociopolitical organizations, social organizations, socio-professional organizations, people's armed forces units, non-business units, state-owned enterprises and agencies, organizations and units using state budget funds and assets."

2. To add the following Article 5a to the end of Article 5:

"Article 5a. Property and income declaration principles

1. Persons obliged to declare their property and incomes shall themselves fill in declaration forms promulgated together with this Decree (not printed herein) and take responsibility for the accuracy, truthfulness and completeness of the declared information.

2. The first-time annual declaration shall be made according to Form No. 01, promulgated together with this Decree.

3. The additional annual declaration upon changes in declared property and incomes shall be made according to Form No. 02, promulgated together with this Decree.

The additional annual declaration shall be carried out only when persons obliged to declare have changes in the total incomes in the declaration period which are valued at VND 50 million or more or changes in to-be-declared property and incomes as provided for.

3. To amend and supplement Article 11 as follows:

"Article 11. Management, use and publicity of property and income declarations

1. The property and income declarations shall be managed like personnel files and may only be used in the following cases:

a/ Serving the election, appointment, dismissal, relief from office, or disciplining of persons obliged to declare their property and incomes;

b/ Serving activities of competent agencies, organizations or units in the examination and verification of and conclusion on acts of corruption;

c/ Serving other activities related to organizational and personnel work.

2. When declarers are transferred to other agencies or organizations, their property and income declarations shall also be transferred together with their personnel files to competent management agencies or organizations.

3. When declarers retire or leave their jobs, their property and income declarations shall be kept together with their personnel files.
4. Property and income declarations of cadres, civil servants and public employees who are Party members shall be managed under this Decree and regulations of the Party.
5. Property and income declarations of persons obliged to declare shall be made public as follows:
 - a/ They must be publicized in the agencies, organizations or units in which declarers regularly work.

Based on the characteristics and situation of agencies, organizations or units, persons competent to manage cadres, civil servants and public employees shall decide to publicize the written declarations in the form of announcement at meetings or public display at their working offices. The publicity time is between December 31 and March 31 of the following year, but the minimum publicity duration must be 30 days:

- b/ The property and income declarations of National Assembly or People's Council candidates must be publicized at conferences of voters at their respective workplaces and places of residence. The publicity time and form comply with regulations of the Election Council and the Standing Committee of the Vietnam Fatherland Front:
- c/ Property and income declarations of persons expected to be elected or ratified at the National Assembly or People's Councils must be publicized to National Assembly deputies or People's Council deputies at sessions. The publicity time and form comply with regulations of the National Assembly Standing Committee or the Standing Boards of the People's Committees:
- d/ Persons obliged to declare their property and incomes who are members of political organizations or socio-political organizations shall, in addition to making public their declarations under Clause 1 of this Article, publicize their declarations under regulations of those organizations."

4. To amend Article 16 regarding the grounds for requesting verification of property and incomes as follows:

"Article 16. Grounds for requesting verification of property and incomes

The request for verification of property and incomes may be made when there appears any of the following grounds:

1. Conclusions of the Party inspection agency, state inspectorate, state audit or investigative agency on the liability of the declarer related to acts of corruption.

2. A denunciation or report on property and incomes of the declarer which contains clear details, concrete evidence, grounds for verification of the untruthfulness in his/her property and income declaration and the denouncer or reporter gives his/her full name and address and commits to full cooperation and supply of documents he/she has for competent agencies, organizations or units to verify the declarer's property and incomes.

3. The necessity to get more information to serve the election, appointment, dismissal, relief from office or disciplining of the declarer."

5. To amend Article 19 on the issuance of decisions to verify property and incomes as follows:

"Article 19. Issuance of decisions to verify property and incomes

1. Heads of agencies, organizations or units who are competent to manage persons obliged to declare property and incomes issue decisions to verify such persons' property and incomes in the following cases:

a/ A written request is filed under Clause 4. Article 1 of this Decree and Article 17 of Decree No. 37/2007/ND-CP;

b/ There is a written request of the National Assembly Standing Committee; the Standing Board of the Peoples Council, the standing body of a political organization or a sociopolitical organization to serve the dismissal or relief from office of a person holding a title elected or ratified by the National Assembly, the People's Council, the political organization or socio-political organization;

c/ There appears one of the grounds defined in Clause 4. Article 1 of this Decree to serve the appointment, dismissal, relief from office or disciplining by the head of the agency, organization or unit competent to manage the declarer;

d/ When the declarer commits an act of corruption which is, however, not serious enough to be examined for penal liability.

2. The verification of property and incomes applicable to persons who commit acts of corruption and are examined for penal liability complies with the law on criminal procedures."

6. To amend and supplement Article 33 as follows:

"Article 33. Disciplining of untruthful property and income declarers

1. Cadres who have been concluded as dishonest in making property and income declarations, shall, depending on the nature and seriousness of their untruthful declaration, be handled in one of the following forms:

a/ Reprimand;

b/ Caution:

c/ Dismissal from office.

2. Civil servants who have been concluded as dishonest in making property and income declarations, shall, depending on the nature and seriousness of their untruthful declaration, be handled in one of the following forms;

a/ Reprimand;

b/ Caution:

c/ Salary degrading:

d/ Demotion:

e/ Dismissal from office.

3. Within five days counting from the date of making the conclusion on the untruthful property and income declarations, heads of agencies, organizations or units with disciplining competence shall consider and discipline the untruthful declarers.

4. The competence, order and procedures for disciplining untruthful declarers who are cadres, civil servants or public employees comply with the law on disciplining of cadres, civil servants and public employees.

5. The disciplining of untruthful declarers who are officers or professional army men in agencies or units of the People's Army, officers in agencies or units of the People's Public Security comply with the law on the People's Army or the People's Public Security.

6. Decisions on disciplining of untruthful declarers shall be publicly displayed at the offices of agencies, organizations or units where those persons work; the publicity time is at least three months after the issuance of the disciplinary decisions."

7. To add Article 33a to the end of Article 33 as follows:

"Article 33a. Disciplinary handling of acts of late declaration, late organization of declaration and late summarization and reporting on results of property and income transparency

1. Heads of agencies, organizations or units managing declarers who delay the organization of declaration as required by law; persons obliged to declare their property and incomes who make their declarations later than the deadline set by heads of their agencies, organizations or units; persons responsible for summarization and reporting on results of property and income transparency but performing such task later than the summarization and reporting deadline set by heads of their agencies, organizations or units, shall, depending on the nature and seriousness of their violations, be handled in one of the following forms:

- a/ Reprimand;
- b/ Caution;
- c/ Salary degrading.

2. The competence, order and procedures for disciplining heads of agencies, organizations or units who are late in organizing the declaration, persons who are obliged to declare their property and incomes but make their declarations late and persons who are responsible for summarization and reporting on results of property and income transparency but delay the performance of such task comply with the law on disciplining of cadres, civil servants and public employees."

8. To add the following Article 35a to the end of Article 35:

"Article 35a. Supervision by Vietnam Fatherland Front Committees and member organizations

1. Vietnam Fatherland Front Committees and member organizations shall, within the ambit of their respective tasks and powers, supervise the implementation of the law on transparency of property and incomes of cadres, civil servants and public employees.
2. When necessary, state agencies shall invite representatives of Vietnam Fatherland Front Committees and member organizations to participate in supervising, inspecting and examining the implementation of the law on property and income transparency. Fatherland Front Committees and member organizations shall provide information and appoint their participants when so requested.
3. Vietnam Fatherland Front Committees and member organizations shall receive reports of people and propose competent bodies to consider and handle untruthful acts in property and income declarations.
4. If detecting illicit property or incomes. Vietnam Fatherland Front Committees and member organizations propose competent agencies to consider and settle. Within fifteen (15) days after the receipt of such proposal, responsible agencies, organizations or individuals shall consider and settle, then notify settlement results to Vietnam Fatherland Front Committees and member organizations.
5. For declarers who reside in communes or residential quarters but work in other places. Vietnam Fatherland Front Committees and member organizations of communes, wards or townships are entitled to detect and propose the handling of their untruthful acts in property and income declarations involving illicit property or incomes.

9. To add the following Article 36a to the end of Article 36:

Article 36a. Guidance, urging, examination, inspection and summarization of results of declaration, verification, conclusions and publicity of written conclusions

1. Heads of agencies, organizations or units shall guide, urge, examine and summarize results of property and income declaration, manage the declarations of persons obliged to make declaration under their management, and periodically report the results to the same-level inspectorates.
2. The Party's organization hoards at all levels shall manage the declaration.- and summarize results of declaration by persons obliged to make declaration managed by their Party committees according to the regulations on decentralization of management of Party cadres, and periodically send the summarization data on declaration results to the same-level inspectorates.
3. The Home Affairs agencies at all levels shall guide, urge, examine, inspect and summarize the declaration, verification, conclusion and publicity of written conclusions on declarers who are working in social, organizations and socio-professional organizations or other organizations or unit-using state budget funds and assets, and periodically report on the results to the same-level inspectorates.
4. The Party Inspection Boards at all levels shall summarize results of verification of conclusion and publicity of written conclusion-on transparency in property and income declarations (below referred to as conclusions) of persons obliged to make declaration managed by their Party Committees according to the regulations on decentralization of management of Party cadres, and periodically send the summarization data to the same-level inspectorates.
5. The state inspectorates at different levels shall guide, urge, examine, inspect and summarize the declaration, publicity of declarations, verification, conclusion and publicity of written conclusions within their respective ministries, sectors or localities, and periodically report on the results thereof to the superior state inspectorates.

The Government Inspectorate shall guide, urge, examine, inspect and summarize the declaration, publicity of declarations, verification, conclusion and publicity of written conclusions nationwide.

6. Ministries and central sectors performing the state management of sectors or domains shall guide, urge, examine, inspect and summarize the declaration, publicity of declarations, verification, conclusion and publicity of written conclusions at state economic groups, corporations and

companies and joint-stock companies with contributed state capital in the sectors or domains under their respective management.

Periodically, the above-said agencies, organizations and units shall summarize property and income declaration work at their units and send summarization results to the ministerial inspectorates under their respective ministries or sectors for general summarization.

7. A reporting period starts on January 1 and ends on December 31 every year; the reporting deadline is March 31 of the following year.

10. To amend and supplement forms of property and income declaration as follows:

1. To modify Property and Income Declaration Form No. 01, promulgated together with Decree No. 37/2007/ND-CP, into the First-Time Property and Income Declaration Form (Form No. 01), promulgated together with this Decree.

2. To add the Additional Property and Income Declaration Form (Form No. 02), promulgated together with this Decree.

3. To add the Property and Income Declaration Form (Form No. 03) promulgated together with this Decree: The Property and Income Declaration Form applicable to property and income declaration to serve the appointment, relief from office, dismissal: National Assembly or People's Council candidacy: election or ratification of titles in the National Assembly or the People's Council.

Article 2. Transitional provisions

1. Persons who have not yet made any property and income declarations under the Anti-Corruption Law. Decree No. 37/2007/ND-CP and Circular No. 2442/2007/TT-TTCT of November 13, 2007, shall make their first-time declarations according to Form No. 01, promulgated together with this Decree.

2. Persons who have made property and income declarations under the Anti-Corruption Law, Decree No. 37/2007/ND-CP and Circular No. 2442/2007/TT-TTCT of November 13, 2007, shall make their first-time declarations according to Form No. 02, promulgated together with this Decree.

3. National Assembly or People's Council candidates; persons expected to be elected or ratified at the National Assembly or the People's Council; persons expected to be appointed to leading and managing positions; persons expected to be relieved from office or dismissed, shall make their declarations according to Form No. 03, promulgated together with this Decree.

Article 3. Effect

This Decree takes effect on September 30, 2011.

All previous regulations and declaration forms contrary to this Decree are annulled after this Decree takes effect.

Article 4. Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of People's Councils and chairpersons of People's Committees of provinces and centrally run cities and concerned agencies, organizations, units and individuals shall implement this Decree.-

On Behalf of the Government

Prime Minister

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