

THE GOVERNMENT

No: 58/2001/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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Ha Noi , Day 24 month 08 year 2001

**DECREE No. 58/2001/ND-CP OF AUGUST 24, 2001 ON THE
MANAGEMENT AND USE OF SEALS**

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992;

At the proposals of the Minister-Head of the Government Commission for Organization and Personnel and the Minister of Public Security,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Seals are used in the State agencies, political organizations, socio-political organizations, socio-professional organizations, mass organizations, economic organizations, armed force units, foreign agencies and organizations operating in Vietnam (hereinafter called agencies and organizations for short) and by a number of State titles. Seals represent legal status of agencies, organizations and State titles and affirm the legal validity of their documents and papers. Seals shall be managed according to the provisions of this Decree.

Article 2.- The provisions on management and use of seals in this Decree shall apply to seals bearing the national emblem as well as those without it, which are used in forms of wet seal, embossed seal and wax seal.

Title seals, date seals, official dispatch receipt seals and signature certification seals shall not be subject to this Decree.

Article 3.- The following agencies, organizations and State titles shall be entitled to use seals bearing the national emblem:

1. The National Assembly Standing Committee, the National Assembly's Council of Nationalities and Commissions, the National Assembly Office, the National Assembly delegations of the provinces and centrally-run cities;
2. The State President, the National Assembly's Chairman, the Prime Minister;
3. The Government, the ministries, the ministerial-level agencies and the

agencies attached to the Government;

4. The Office of the State President;

5. The Supreme People's Procuracy, the local People's Procuracies, the Military Procuracies;

6. The Supreme People's Court, the local People's Courts, the Military Courts and other courts prescribed by law;

7. The People's Councils and People's Committees of all levels;

8. The civil judgment executing bodies;

9. The notary public offices of the provinces and centrally-run cities;

10. The representations of the Socialist Republic of Vietnam abroad, including the diplomatic missions, permanent representative missions at the inter-governmental international organizations and consular offices (including honorable consulates), representative offices performing the function of representing the Vietnamese State in relations with host countries or international organizations within the ambit of their respective tasks and powers prescribed by law;

11. The bodies under the Ministry for Foreign Affairs: the Consular Department, the Protocol Department, the Committee for Overseas Vietnamese and the municipal Foreign Affair Service of Ho Chi Minh City;

12. A number of other organizations permitted by the Prime Minister.

Article 4.- The following agencies and organizations shall be entitled to use seals without the national emblem thereon:

1. Agencies and organizations that have the legal person status and belong to organizational structure of the ministries, ministerial-level agencies and agencies attached to the Government;

2. Agencies and organizations that have the legal person status and belong to organizational structure of the People's Procuracy, Military Procuracy, People's Court and Military Court of all levels;

3. Professional bodies and public-service organizations attached to the People's Committees of the provincial or district levels;

4. Political organizations, socio-political organizations, socio-professional organizations, friendship associations, charity organizations, social relief societies, social funds, charity funds; and other non-governmental organizations, which are established under the competent State agencies' permission or granted operation licenses;

5. Religious organizations, which are permitted for operation by the competent State agencies;
6. Economic organizations defined by the Law on State Enterprises, the Law on Enterprises, the Law on Foreign Investment in Vietnam, the Law on Domestic Investment Promotion, the Law on Cooperatives; and other economic organizations prescribed by law; as well as attached units, branches and representative offices of these economic organizations;
7. A number of other organizations, which are permitted by the State agencies competent to establish them;
8. Foreign agencies and organizations lawfully operating in Vietnam.

Chapter II

PROVISIONS ON MANAGEMENT AND USE OF SEALS BY AGENCIES AND ORGANIZATIONS ENTITLED TO USE SEALS

Article 5.- The State titles, the chiefs or heads of the agencies and organizations defined in Articles 3 and 4 of this Decree shall have to manage and inspect the preservation and use of seals of their respective agencies and organizations strictly according to the functions and powers provided for by law.

Article 6.- The management and use of seals must comply with the following regulations:

1. Each agency, organization or State title defined in Articles 3 and 4 of this Decree shall be entitled to use only one seal. In cases where it needs another seal with a content identical to the first seal, it must obtain a written consent of the agency competent to establish it and such second seal must bear specific marks to distinguish it from the first one;

The agencies and organizations with function of issuing diplomas, certificates, people's identity cards or visas stuck with photos may additionally make embossed seals and/or small seals in service of their professional operations, provided that it is permitted by competent authorities and the contents inscribed on such seals must be the same as those on the wet seals they are entitled to use.

2. Newly engraved seals must have their specimens registered at the police offices, for which fees must be paid according to the Finance Ministry's regulations, and shall be used after the "seal specimen registration certificate" is granted. Agencies and organizations shall, upon starting to use their new seals, have to announce and introduce their new seal specimens.

3. The affixture of seals on documents and papers of all kinds must strictly comply with the provisions of law.

4. Heads of agencies and organizations shall have to manage and use the seals of their respective agencies and organizations.

Seals must be kept at the head offices of agencies and organizations and strictly managed. In cases where it is really necessary to settle working affairs far away from their agencies or organizations' head offices, the heads of such agencies or organizations may carry along the seals and shall be responsible for the carrying of seals out of their agencies or organizations.

5. Ink for all seals shall be red one.

6. In cases where its seal is lost, an agency or organization shall have to promptly report the loss to the nearest police office and the police office that has already granted seal specimen registration certificate, and at the same time announce the cancellation of the lost seal.

7. For seals in use, which are worn or damaged or in cases where the organizations that have such seals are reorganized or renamed, such organizations shall have to carry out the procedures for engraving new seals and returning the old ones.

8. Agencies and organizations using seals must create conditions for the competent agencies to inspect the observance of regulations on management and use of seals.

Article 7.- When agencies and organizations defined in Articles 3 and 4 of this Decree are subject to effective decisions on separation, split-up, merger, dissolution or discontinuation of assigned tasks, the heads of such agencies and organizations shall have to recover and submit the seals to the police offices that have granted seal specimen registration certificates.

In case of temporary suspension of the use of seals, the agencies or organizations competent to issue establishment decisions and permit the use of seals shall have to recover such seals and notify the police offices that have permitted the seal engraving and the concerned agencies thereof.

Chapter III

COMPETENCE TO PRESCRIBE SEAL SPECIMENS, PROCEDURES FOR SEAL ENGRAVING, GRANTING OF SEAL ENGRAVING PERMITS AND REGISTRATION OF SEAL SPECIMENS

Article 8.- The Ministry of Public Security shall uniformly prescribe the specimens of seals of all types and the engraving of symbols or foreign languages on seals; grant seal engraving permits, keep seal specimens and grant seal specimen registration certificates; manage the seal engraving activities; inspect the management and use of seals and carry out other works according to the provisions of this Decree.

Article 9.- The competence to grant seal engraving permits, seal specimen

registration certificates and seal specimen deposit registration certificates is provided for as follows:

1. The General Police Department under the Ministry of Public Security shall grant seal engraving permits, carry out the seal specimen registration and grant seal specimen registration certificates to the State titles, agencies and organizations attached to the ministries, ministerial-level agencies, agencies attached to the Government, political organizations and socio-political organizations at the central level; grant seal engraving permits to the diplomatic missions and representative missions to Vietnam-based foreign inter-governmental organizations; grant permits for bringing seals into Vietnam for use by other foreign agencies and organizations without the diplomatic function, which are lawfully operating in Vietnam.

2. The police offices of the provinces and centrally-run cities shall grant seal engraving permits, carry out the seal specimen registration and grant seal specimen registration certificates to local agencies and organizations, a number of the central agencies and organizations located in their localities according to the responsibility assignment by the Ministry of Public Security; carry out the seal specimen registration and grant seal specimen registration certificates to other foreign agencies and organizations which are not diplomatic missions but have already been permitted to bring their seals into Vietnam for use.

Article 10.- Procedures and dossiers of application for seal engraving permits:

1. For the State titles, agencies and organizations, which are entitled to use seals bearing the national emblem, professional bodies, public-service organizations, political organizations, socio-political organizations, non-governmental organizations:

a/ For agencies, organizations and State titles, professional bodies and public-service organizations:

There must be decisions on their establishment according to regulations on each type of agency or organization. In cases where decisions do not contain provisions permitting the concerned agencies and organizations to use seals, such agencies and organizations must obtain written permission for use of seals from the agencies competent to establish them.

b/ For socio-political organizations, non-governmental organizations, religious organizations, mass societies, professional associations:

They must have "Charter on organization and operation" already approved by the competent authorities; particularly, scientific organizations must have "Operation registration certificate".

2. For economic organizations:

a/ They must have business registration certificates or operation registration certificates, investment licenses, branch setting up licenses; contracting licenses, licenses for setting up representative offices in Vietnam (for joint venture economic organizations, foreign-invested enterprises).

b/ Economic organizations being State enterprises or enterprises of political organizations and socio-political organizations, apart from the papers prescribed at Point a, Clause 2 of this Article, must obtain establishment decisions from the competent agencies.

3. In cases where agencies, organizations or State titles wish to engrave new seals in replacement of their own ones, which have been lost, worn or damaged, they shall have to send their written dossiers justifying reasons for and requesting the engraving of new seals to the police offices, without having to make any other papers.

4. Within 7 days after the prescribed dossiers of agencies and organizations are received, the police offices shall grant seal engraving permits and recommend seal engraving establishments to them according to regulations.

Article 11.-

1. The diplomatic missions, consular offices and representative offices of inter-governmental international organizations in Vietnam; consular sections, military attaché sections, other sections under foreign diplomatic missions in Vietnam shall, before using their own seals, have to announce and register seal specimens at Vietnam's Ministry for Foreign Affairs.

2. Other foreign agencies and non-governmental international organizations having their representatives in Vietnam that wish to bring seals from abroad into Vietnam for use, shall have to carry out the procedures for registering seal specimens at Vietnam's Ministry of Public Security.

3. Foreign agencies and organizations, which are not diplomatic missions and bring their seals from abroad into Vietnam for use, must send to Vietnam's Ministry of Public Security documents clearly stating the reasons for and scope of use of seals, enclosed with seal specimens and permits of the Vietnamese competent State agencies, and at the same time register seal specimens before using them.

Chapter IV

COMMENDATION, REWARD AND HANDLING OF VIOLATIONS

Article 12.- Agencies, organizations and individuals that record achievements in the implementation of regulations on management and use of seals, shall be commended and/or rewarded according to the State's common regulations.

Article 13.- Persons who commit acts of violating the regulations on

management and use of seals shall, depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability.

Chapter V

IMPLEMENTATION PROVISIONS

Article 14.-

1. Basing themselves on the provisions of this Decree, the Minister of Defense and the Minister of Public Security shall specify the seal specimens, the management and use of seals of all kinds in the People's Army and the People's Police Forces.
2. The Ministry of Public Security shall coordinate with the Government Commission for Organization and Personnel, political organizations and socio-political organizations in uniformly prescribing the seal specimens and the management and use of seals in the systems of such organizations.
3. The Ministry of Public Security shall coordinate with the Government Commission for Religions and the central bodies of the religious organizations in Vietnam in uniformly prescribing the seal specimens and the management and use of seals in such religions.
4. The management and use of seals by agencies and organizations for their external affair activities shall comply with the provisions of this Decree and the specific regulations promulgated by the Ministry of Public Security after consulting the Ministry for Foreign Affairs.

Article 15.- This Decree takes effect 15 days after its signing and replaces the Government's Decree No.62/CP of September 22, 1993.

Article 16.-

1. The Minister of Public Security and the Minister-Head of the Government Commission for Organization and Personnel shall have to guide and inspect the management and use of seals according to the provisions of this Decree.
2. The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the presidents of the People's Committees of the provinces and centrally-run cities and the heads of the agencies and organizations that use seals shall have to implement this Decree.

**On behalf of the Government
Prime Minister
PHAN VAN KHAI**