

(This translation is for reference only)

**GOVERNMENT**

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No.: 05/2013/ND-CP

**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, 9 January 2013*

**DECREE**

**ON AMENDING AND SUPPLEMENTING SOME ARTICLES IN THE  
REGULATIONS ON ADMINISTRATIVE PROCEDURES STATED IN THE DECREE  
NO. 43/2010/NĐ-CP DATED 15/4/2010 OF THE GOVERNMENT ON BUSINESS  
REGISTRATION**

*Pursuant to the Law on Government organization dated 25/12/2001;*

*Pursuant to the Enterprise Law dated 29/11/2005;*

*Pursuant to the Decree No. 25/NQ-CP dated 2/6/2010 of the Government on the simplification of 258 administrative procedures under the management of the Minister and agency;*

*Pursuant to the Decree No. 70/NQ-CP dated 27/12/2010 of the Government on the simplification of the administration procedures under the management of the Ministry of Planning and Investment (MPI);*

*Upon the request of the Ministry of Planning and Investment;*

*The Government promulgated the Decree on amending and supplementing some regulations on administrative procedures stipulated in the Decree No. 43/2010/NĐ-CP dated 15/4/2010 of the Government on business registration.*

**Article 1** *Amending and supplementing some articles in the Decree No.43/2010/NĐ-CP dated 15/4/2010 on the business registration*

1. Amending Clause 4 of Article 7 as follow:

4. For business activities that are not included in the Vietnam Standard Industrial Classification (VSIC) and not yet regulated by other legal normative documents, the

Business Registration Office (BRO) shall review to state them in the Business Registration Certificate providing that they are not forbidden ones, and at the same time notify the Ministry of Planning and Investment (General Statistics Office) for the new codes to be added.”

2. Supplementing the Articles 8a, 8b, 8c after the Article 8 as follow:

**Article 8a** Number of dossiers for enterprise and household business registration

1. Enterprise shall submit 01 dossier at the provincial level BRO when implementing the business registration, the operational registration for branches and representative offices, the notification on new business locations establishment or the amendment of the registered contents.

2. Household businesses shall submit 01 dossier at the district-level BRO for the business registration or amendment registration of the registered contents.

**Article 8b** Valid copy of the documents in the business registration dossier

1. Valid copy of the documents in the business registration dossier is the document verified or certified accurately by the competent agencies, organizations.

2. For the business registration dossier which must include the transferring contract or the document identifying the granting of the capital contribution, the enterprise can send either the original copy or the valid copy.

**Article 8c** Publishing the business registration information

1. Within 30 working days since the date of the establishment or the amendment registration, enterprises shall post their registration contents on the National Business Registration Portal (NBRP) as stipulated in the Article 28 of the Enterprise Law and pay the fee for publishing the business registration information.

In corporation with the MPI, the Ministry of Finance promulgated the regulations on the fee and charges for publishing the business registration information.

2. A shareholding company issuing more common shares and offering those shares to all common shareholders according to its current share ratio must send the notification in written to the permanent residential address of all shareholders by registered post.

The notification must be posted on the NBRP or in press in 03 consecutive episodes within 10 working days since the date of notifying.

3. Within 07 working days since the date of adopting the dissolution decision as regulated in the Clause 1 of the Article 158 in the Enterprise Law, enterprises must send the

dissolution decision to the BRO, all the lenders, the people whose rights, obligations and benefits are relevant and the employees in the enterprises.

Enterprises must list publicly the dissolution decision at the head quarter and the branches as well as post it in the NBRP.”

3. Amending and supplementing the Article 57 as follow:

**Article 57** Temporary cessation of business operation

An enterprise, household business which temporarily ceases its business operation has to send a Notification to the BRO where it registered its business as well as the tax agency in written at least 15 days before the temporary cessation of operation. The Notification shall include:

1. The enterprise name, head quarter address, enterprise code and the date of issuance of the Business Registration Certificate or other equivalent documents in case of enterprise; Household Business Registration Certificate in case of household business.
2. Business activities.
3. The duration of the temporary business cessation, starting date and closing date. The duration of the temporary business cessation stated in the notification should not exceed 01 year. After the notified duration of the temporary business cessation, if an enterprise or household business keeps ceasing of business operation, it has to send a Notification to the BRO. The total duration of the continuous temporary business cessation must not exceed 02 years.
4. The reasons for the temporary business cessation.
5. The full name and signature of the legal representative of enterprise or representative of household business.

The Notification must be enclosed with the written decision and the Minutes of the Member Council’s meeting in case of limited liability companies with two or more members (LLC2); of the company owners in case of limited liability companies with one member (LLC1); of the General Meeting of Shareholder in case of shareholding companies, of partnership members in case of Partnership.

The BRO shall grant the Receipt slip for the applicants upon journalizing the Notification on the temporary business cessation of an enterprise or household business..

Within 05 working days since the date of journalizing the valid dossier, the BRO shall issue the Confirmation letter on the temporary business cessation of an enterprise, or household business as regulated by the MPI.”

**Article 2** *Effectiveness*

This Decree takes effect as of 25/2/2013.

**Article 3** *Responsibility of implementing the Decree*

1. The MPI takes the responsibility of guiding and implementing this Decree.
2. Ministers, heads of ministerial agencies, heads of governmental bodies, chairmen of People's Committees of provinces and cities directly under the Central Government and implementation subjects of this Decree take the responsibility of implementing this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

(signed and sealed)

**NGUYEN TAN DUNG**