

**DECREE
ON
MANAGEMENT AND USE OF SEALS**

The Government

Pursuant to the *Law on Organization of the Government* dated 25 December 2001;

On the proposal of the Minister/Head of the Government Staffing Committee and of the Minister of Public Security,

Decrees:

CHAPTER 1

General Provisions

Article 1

Seals shall be permitted to be used in State bodies, political organizations, socio-political organizations, socio-occupational organizations, mass organizations, economic organizations, units of the people's armed forces, and foreign agencies and organizations operating in Vietnam (hereinafter all referred to as *agencies and organizations*) and by a number of State titles. The seal expresses the legal status of the agency, organization or State title and affirms the legal validity of its documents. Seals shall be managed in accordance with the provisions of this Decree.

Article 2

The provisions on management and use of seals in this Decree shall apply both to seals bearing the national emblem and to seals without the national emblem which are used in the forms of wet seal, embossed seal or wax seal.

Heading seals, date seals, official dispatch and receipt seals, and signature certification seals are not regulated by this Decree.

¹ Allens Arthur Robinson footnote: As amended by Decree 31-2009-ND-CP of the Government dated 1 April 2009.

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 Ethnic Committee and its other Committees, the National Assembly Office, and National Assembly delegations from provinces and cities under central authority.
2. The State President, the Chairman of the National Assembly, and the Prime Minister.
3. The Government, ministries and ministerial equivalent agencies, and bodies attached to the Government.
4. The Office of the State President.
5. The Supreme People's Procuracy, local People's Procuracies, and Military Procuracies.
6. The Supreme People's Court, local People's Courts, Military Courts and other courts as defined by law.
7. People's councils and people's committees at all levels.
8. Civil judgement execution bodies.
- 9².
10. Representative bodies of the Socialist Republic of Vietnam comprising diplomatic missions, permanent representative missions of inter-governmental international organizations and consular offices (including honorary consular offices), representative bodies having the function of representing the State of Vietnam in relations with receiving countries or international organizations within the scope of their duties and powers stipulated by law;
11. The following agencies under the Ministry for Foreign Affairs: the Consular Department, the Protocol Department, the Committee for Vietnamese residing overseas, and the Ho Chi Minh City Municipal Foreign Affairs Service.
12. A number of other organizations as permitted by the Prime Minister of the Government.

Article 4

The following agencies and organizations shall be entitled to use seals not bearing the national emblem:

1. Agencies and organizations with legal entity status and belonging to the organizational structure of ministries.
2. Agencies and organizations with legal entity status and belonging to the organizational structure of the Supreme People's Procuracy, the Military Procuracy, the Supreme People's Court and Military Courts at all levels.

² Allens Arthur Robinson footnote: This clause was repealed by amending Decree 31 dated 1 April 2009, and read "Notary public offices of provinces and cities under central authority".

3. Professional bodies and public service organizations attached to people's committees of provinces and cities under central authority [hereinafter referred to as *provincial people's committees*].
4. Political organizations, socio-political organizations, socio-occupational organizations, friendly associations, charity organizations, social relief societies, social funds and charity funds; and other non-governmental organizations with permission for establishment from the competent State authority or issued with an operational licence.
5. Religious organizations with permission for operation from the competent State authority.
6. Economic organizations regulated by the *Law on State Owned Enterprises*, the *Law on Enterprises* and the *Law on Foreign Investment in Vietnam*; by the *Law on Promotion of Domestic Investment*; by the *Law on Co-Operatives*; and other economic organizations as stipulated by law, including subsidiary entities, branches and representative offices of such economic organizations.
7. A number of other organizations with permission for establishment from the competent authority.
8. Foreign agencies and organizations lawfully operating in Vietnam.

CHAPTER 2

Provisions on Management and Use of Seals by Agencies and Organizations entitled to Use Seals

Article 5

The State title, or head of any agency or organization defined in articles 3 and 4 of this Decree, shall be responsible to manage and inspect preservation and use of the seal of such agency or organization, strictly in accordance with the functions and powers prescribed by law.

Article 6³

1. Each agency, organization or State title shall be entitled to use only one seal. Where it is necessary to have a second seal with the same contents as the first, the second seal must bear a specific symbol distinguishing it from the first seal.

Any agency or organization with the function of issuing diplomas, certificates, cards, people's identity cards or visas with photos affixed shall be entitled to have an additional embossed seal and/or a small seal to service its professional operation, provided that it has permission from the body which issued the decision on its establishment, and provided that the contents inscribed on the embossed seal and/or small seal are the same as those on the first seal.

2. The specimen of a newly engraved seal must be registered at the police office, and the seal shall only be permitted to be used after issuance of a certificate of registered seal specimen. Any agency or organization which loses that certificate must request re-issuance with the same police office which issued the original certificate. Fees must be paid to register a seal specimen in accordance with regulations of the Ministry of Finance. It shall be strictly prohibited for any agency or organization to itself amend the contents inscribed on its seal after registration. When an agency or organization commences to use its new seal, it must announce and introduce its new seal specimen.

³ Allens Arthur Robinson footnote: Clauses 1 and 2 are as amended by Decree 31.

3. The affixing of the seal to various types of documents must be conducted correctly in accordance with law.
4. The head of any agency or organization shall be [the person] responsible to manage and use the seal of such agency or organization.

The seal must be retained at the headquarters of the agency or organization and it must be strictly managed. The head of an agency or organization may take the seal with him if it is really necessary in order to resolve work a good distance away from the headquarters of such agency or organization, but the head must accept responsibility for taking the seal away from headquarters.

5. Red ink shall be uniformly used as the ink of seals.
6. If a seal is lost, the agency or organization concerned must immediately notify the nearest police as well as the police office which issued the certificate of registered seal specimen, and also announce rescission of the lost seal.
7. If a seal currently in use wears flat or is damaged, or if the organization [with a seal] converts or changes its name, then procedures for engraving a new seal must be conducted and the old seal must be handed in.
8. Agencies and organizations using seals must facilitate authorized bodies to inspect compliance by such agencies and organization with the provisions on management and use of seals.

Article 7⁴

1. The seal of an agency or organization shall be recovered in the following circumstances:
 - (a) There is a decision on separation, merger, consolidation, dissolution, completion of [assigned] duties or conversion of form of ownership [of the agency or organization].
 - (b) The business registration certificate of the enterprise [i.e. the agency or organization] was withdrawn pursuant to the decision of a competent authority or [because] such enterprise committed breaches as stipulated by law.

The authorized body issuing a decision on withdrawal of a business registration certificate shall co-ordinate with the competent police office to recover both the seal and the certificate of registered seal specimen.

- (c) A lost seal is found after publication of a notice of loss.

The head of the agency or organization whose seal is found as stated in this clause must recover the seal and the certificate of registered seal specimen in order to re-lodge them with the police office where seal specimen registration took place.

2. When an agency or organization temporarily suspends use of its seal, then the competent body with authority to establish such agency or organization and to permit use of a seal must recover the seal and the certificate of registered seal specimen, and notify same to the police office where seal specimen registration took place and to other entities concerned.

⁴ Allens Arthur Robinson footnote: As amended by Decree 31.

Article 8⁵

The Ministry of Public Security shall uniformly regulate all types of seal specimens; the engraving of logos and words in a foreign language on seals; the engraving and use of second seals; the registration, deposit [for archiving] and issuance of certificates of registered seal specimen; the management of seal engraving operations; and checks of management and use of seals in accordance with this Decree.

Article 9

Authority to issue permits to engrave seals, certificates of registered seal specimen and certificates of registered seal specimen deposit [for archiving] shall be regulated as follows:

1. The General Police Department under the Ministry of Public Security shall grant seal engraving permits, shall register seal specimens, and shall grant certificates of registered seal specimen to State titles, to agencies and organizations attached to ministries, ministerial equivalent bodies and Government bodies, and to political organizations and socio-political organizations at the central level; shall grant seal engraving permits to diplomatic missions and representative bodies of foreign inter-governmental organizations in Vietnam; and shall grant permits for bringing seals into Vietnam for use by other foreign agencies and organizations without a diplomatic function and which legally operate in Vietnam.
2. Provincial police offices shall grant seal engraving permits, shall register seal specimens, and shall grant certificates of registered seal specimen to local agencies and organizations and to a number of central agencies and organizations which are located in their locality in accordance with authority delegated to them by the Ministry of Public Security; and shall register seal specimens and grant certificates of registered seal specimen to other foreign agencies and organizations which are not diplomatic missions and which have already been permitted to bring their seals into Vietnam for use.

Article 10⁶ *Procedures and application files for seal engraving permits*

1. State agencies and organizations, State titles and public service organizations must have an establishment decision and permission to use a seal in accordance with law. If the establishment decision does not contain a provision permitting use of a seal, then there must be an additional document issued by the competent authority permitting use of a seal.
2. Socio-political organizations, religious organizations, non-governmental organizations, mass organizations and occupational organizations must have an establishment decision or a decision recognizing them, and a charter on organization and operation approved by the competent authority.
3. Scientific and technological institutions must have a certificate of registration of their scientific and technological operation; and institutions operating in accordance with the *Law on Press* must have an operational licence issued by the competent information and communications authority.
4. Economic institutions established pursuant to the *Law on Enterprises* and the *Law on Investment* shall not be required to have a seal engraving permit, but must register a seal specimen with the police office prior to using their seal.
5. If an agency, organization or State title wishes to have its seal re-engraved because the seal was lost, damaged or destroyed; or if it wishes to be re-issued with a certificate of registered seal

⁵ Allens Arthur Robinson footnote: As amended by Decree 31.

⁶ Allens Arthur Robinson footnote: As amended by Decree 31.

specimen because its former certificate was lost or destroyed, then it need only send a written request to the competent police office, specifying the reasons for re-issuance.

6. The police office shall, within two business days from the date of receipt of a valid application file from any agency or organization, introduce the applicant to a seal engraving establishment in accordance with law. A seal engraving establishment must, within no more than two business days from the date of receipt of a written introduction from the police office or a written request from an enterprise, complete engraving of a seal and transfer it to the police office to check and register.

Article 11

1. The following bodies must, before using their seals, notify and register the seal specimen with the Ministry for Foreign Affairs, namely diplomatic missions, consular offices and representative offices of inter-governmental international organizations in Vietnam; consular sections, military attaché sections, and other sections of foreign diplomatic missions in Vietnam.
2. Other foreign agencies and non-governmental international organizations with representatives in Vietnam and wishing to bring their seals from abroad into Vietnam for use, must conduct procedures to register the seal specimen with the Ministry of Public Security.
3. Foreign agencies and organizations which are not diplomatic missions and which wish to bring their seals from abroad into Vietnam for use, must send a document to the Ministry of Public Security explaining the reasons for and scope of use of their seal, enclosing a seal specimen and the licence or permit from the competent Vietnamese State authority, and they must also register a seal specimen before using their seal.

CHAPTER 3

Rewards, and Dealing with breaches

Article 12

Any agency, organization or individual with achievements in implementing the regulations on management and use of seals shall be commended or rewarded in accordance with general State regulations.

Article 13

Any person who breaches the regulations on management and use of seals shall, depending on the nature and seriousness of the breach, be disciplined, be administratively penalized, or be prosecuted for criminal liability.

Article 14⁷

1. The Minister of Defence and the Minister of Public Security shall, based on this Decree, provide specific regulations on seal specimens and on management and use of all types of seals at all levels by organizations and entities within the people's armed forces and the people's police force. Use of a seal by any economic organization in the people's armed forces or the people's police force shall be governed by article 6 of this Decree.
2. The Ministry of Public Security shall co-ordinate with the Ministry of Internal Affairs and with political organizations, socio-political organizations, socio-occupational organizations, mass organizations

⁷ Allens Arthur Robinson footnote: As amended by Decree 31.

and religious organizations in Vietnam to provide uniform regulations on seal specimens and on management and use of seals within all these organizations.

3. The Ministry of Internal Affairs shall co-ordinate with the Ministry of Public Security to make submissions to the Prime Minister of the Government to issue decisions on agencies and organizations which request to use a seal bearing the national emblem as referred to in article 3.12 of this Decree.

Article 15

This Decree shall be of full force and effect after fifteen (15) days from the date of its signing, and shall replace Decree 62-CP of the Government dated 22 September 1993.

Article 16

- 1⁸. The Minister of Public Security shall be responsible, within the scope of his functions, duties and powers, to commence implementation and to guide and inspect management and use of seals in accordance with the provisions in this Decree.
2. Ministers, heads of ministerial equivalent bodies and of Government bodies, chairmen of people's committees of provinces and cities under central authority, and heads of bodies and organizations using seals shall be responsible for implementation of this Decree.

For the Government
Prime Minister
PHAN VAN KHAI

⁸ Allens Arthur Robinson footnote: As amended by Decree 31.