

LEGAL DOCUMENTS

THE GOVERNMENT

Decree No. 94/2013/ND-CP of August 21, 2013, detailing the implementation of the Law on the National Reserves

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

Pursuant to the November 20, 2012 Law on the National Reserves;

At the proposal of the Minister of Finance,

The Government promulgates the Decree detailing the implementation of the Law on the National Reserves.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details the State's policies on national reserves; the list of national reserve commodities and the assigned management of national reserve commodities; the regime of seniority allowance and occupational preference allowance for national reserve workers; the delivery of national reserve commodities upon liquidation, delisting, destruction and handling of national reserve commodities with regard to commodity quantities greater than those in accounting books after practical inventory.

Article 2. Subjects of application

Agencies, organizations and individuals involved in the formation, management organization, administration and use of national reserves.

Chapter II

THE STATE'S POLICIES ON THE NATIONAL RESERVES

Article 3. Policies on mobilization of resources for the national reserves

1. The State encourages and acknowledges in writing the voluntary contribution of property by organizations and individuals for use for national reserves.

Heads of national reserve commodity-managing ministries or sectors shall, when receiving property voluntarily contributed for use for national reserves, manage the use thereof for proper purposes, and propose the Minister of Finance to grant property contribution certificates to organizations and individuals.

2. In case of emergency, urgency, combat, prevention and remedy of consequences of national disasters, catastrophes, fires or epidemics at risk of wide spread, or serving national defense and security, which needs to be dealt with immediately, the Minister of Finance, the Minister of National Defense, the Minister of Public Security, the Minister of Transport, the Minister of Agriculture and Rural Development, the Minister of Health and the Minister of Industry and Trade shall mobilize property, commodities, supplies and equipment of organizations and individuals for national reserves in accordance with the law on compulsory purchase and requisition of property.

3. Competent persons defined in Clause 2 of this Article shall decide on the mobilization and manage the proper, thrifty and efficient use, and make payment and compensation for the damage of property, commodities, supplies and equipment mobilized for national reserves

to organizations and individuals in accordance with the law on compulsory purchase and requisition of property.

Article 4. Policies on encouragement of organizations and individuals to invest in physical foundations for national reserves

1. The State encourages and acknowledges in writing organizations' and individuals' voluntary investment in the construction of physical foundations for national reserves.

Heads of national reserve commodity-managing ministries or sectors shall manage the use of warehouses built with voluntary investment by organizations or individuals under the master plan on national reserve warehouse networks for lease for national reserves or for hired preservation of national reserve commodities, for proper purposes; and concurrently propose the Minister of Finance to grant certificates to organizations and individuals that have voluntarily invested in the construction of these physical foundations.

2. Organizations and individuals investing in the construction of warehouses under the master plan on national reserve warehouse networks to undertake the hired preservation of national reserve commodities will be supported and guided in national reserve commodity preservation technologies by national reserve commodity-managing ministries or sectors.

Article 5. The State's policies toward organizations and individuals investing in scientific-technological research and development and application of information technology to national reserves

1. The State encourages and acknowledges in writing the provision of technical solutions, the application of preservation technologies

and information technology free of charge by organizations and individuals for the management and preservation of national reserve commodities.

2. Heads of national reserve commodity-managing ministries or sectors shall manage the use of technological solutions and the application of preservation technologies and information technology which are provided free of charge by organizations or individuals for the management and preservation of national reserve commodities, for proper purposes; and concurrently propose the Minister of Finance to grant certificates to such organizations or individuals.

Article 6. The State's incentive policies toward organizations and individuals that have contributed scientific research achievements which are efficiently applied in the national reserve sector

1. The State encourages and acknowledges in writing the voluntary contribution of efficiently applicable innovations and inventions by organizations and individuals to the management and preservation of national reserve commodities.

Heads of national reserve commodity-managing ministries or sectors shall, when receiving the innovations and inventions, manage their use for proper purposes and propose the Minister of Finance to grant innovation and invention contribution certificates to organizations and individuals.

2. Organizations and individuals may register scientific research subjects, technological application and renewal with national reserve commodity-managing ministries or sectors or the specialized national reserve management

agency for the settlement of basic and urgent matters of the management and preservation of national reserve commodities.

Chapter III

DETAILED LISTS OF NATIONAL RESERVE COMMODITIES AND ASSIGNMENT OF MANAGEMENT AGENCIES

Article 7. Detailed lists of national reserve commodities, assignment of agencies to manage national reserve commodities

1. The detailed lists of national reserve commodities in the lists of national reserve commodities and the assignment of managing ministries and sectors are provided in the appendix to this Decree (*not translated*).

2. In case of necessity to supplement the detailed lists of national reserve commodities, the Ministry of Finance shall assume the prime responsibility for, and coordinate with related ministries and sectors in, submitting these supplements to the Government for decision.

Article 8. Implementation of detailed lists of national reserve commodities and lists of national reserve commodities

1. Annually, together with the formulation of socio-economic development plans and state budget estimates, the Ministry of Finance shall assume the prime responsibility for, and coordinate with the national reserve commodity-managing ministries and sectors in, scrutinizing, balancing and summarizing for submission to the Government for decision the detailed lists of national reserve commodities to be assigned to ministries and sectors for implementation in the plan year.

2. In case of necessity to adjust a list of national reserve commodities prescribed in

Clause 2, Article 27 of the Law on the National Reserves, the Ministry of Finance shall assume the prime responsibility for, and coordinate with related ministries and sectors in, reporting it to the Government for submission to the National Assembly Standing Committee for consideration and decision.

Chapter IV

REGIMES AND POLICIES APPLICABLE TO NATIONAL RESERVE WORKERS

Article 9. Conditions and periods of time counted or not counted for enjoyment of seniority allowance

1. Conditions for enjoyment of seniority allowance are as follows:

a/ Civil servants and public employees having worked at the specialized national reserve management agency for full 5 years (60 months) are entitled to seniority allowance;

b/ Armysmen and people's policemen having performed national reserve work for full 5 years (60 months) are entitled to seniority allowance.

2. Period of time counted for enjoyment of seniority allowance

a/ Period of working at the specialized national reserve management agency, period of performing national reserve work in the Ministry of National Defense or the Ministry of Public Security;

b/ The seniority allowance period in other production and business lines allowed to be added to the period of time defined at Point a of this Clause for enjoyment of seniority allowance includes period of active service in the army or public security force eligible for enjoying seniority allowance and working

period with salaries paid according to one of the ranks or titles of the customs, cipher, court, procuracy, audit, inspection, civil judgment enforcement, forest protection, Party inspection and teaching (if any);

c/ Period of performing military obligations under law, provided the national reserve worker concerned enjoys seniority allowance before being mobilized to perform military obligations.

3. Period of time not counted for enjoyment of seniority allowance

a/ The probation period or period of working under definite labor contracts;

b/ The unpaid private-business leave of 1 month or more in a row;

c/ The sickness or maternity leave in excess of the period prescribed by the social insurance law;

d/ The period of work suspension, custody or temporary detention for investigation, prosecution and adjudication.

Article 10. Seniority allowance levels

1. National reserve workers defined in Clause 1, Article 9 of this Decree, who have the seniority allowance-eligible working time of full 5 years (60 months) as provided in Clause 2, Article 9 of this Decree, shall enjoy a seniority allowance level equal to 5% of their salary plus the leading position allowance and extra-time seniority allowance (if any); and an additional 1% for each year (full 12 months) from the sixth year on.

2. Seniority allowances are paid together with monthly salaries and used for calculation of social insurance, health insurance and unemployment insurance premiums and indemnities.

Article 11. Conditions for enjoyment of occupational preferential allowance

1. Persons directly performing national reserve tasks at national reserve units of the specialized national reserve agency.

2. Persons directly engaged in national reserve activities at national reserve units of the Ministry of National Defense or the Ministry of Public Security.

Article 12. Occupational preference allowance levels

1. The preferential allowance levels are provided as follows:

a/ The preferential allowance level of 25% is applicable to civil servants of the specialized national reserve rank;

b/ The preferential allowance level of 15% is applicable to civil servants of other ranks, who directly perform the tasks at Sub-Departments of State Reserves or offices of regional Departments of State Reserves under the specialized national reserve agency; or directly perform national reserve tasks at national reserve units of the Ministry of National Defense or the Ministry of Public Security.

2. The occupational preference allowance levels prescribed in this Article are calculated based on current salary ranks and grades plus the leading-position allowance and extra-time seniority allowance (if any), and paid together with monthly salaries but not used for calculation of social insurance, health insurance and unemployment insurance premiums and indemnities.

Article 13. Principles of application, funding sources for application of national reserve seniority allowances and occupational preference allowances

1. National reserve workers defined in Clause 1 of Article 9 and Article 11 of this Decree, who are currently enjoying various allowances of the same type, can enjoy only one allowance of the highest level.

2. The funding sources for payment of national reserve seniority allowances and occupational preference allowances comply with the Law on the State Budget and relevant legal documents.

Chapter V

LIQUIDATION, DELISTING OF NATIONAL RESERVE COMMODITIES, DESTRUCTION AND HANDLING OF SURPLUS OR DEFICIT NATIONAL RESERVE COMMODITIES; DEDUCTION FOR REWARDS FOR BELOW-QUOTA LOSS IN THE PRESERVATION OF NATIONAL RESERVE COMMODITIES

Article 14. Liquidation of national reserve commodities

1. National reserve commodities which are damaged or degenerated in quality under current technical standards but still retain some use value and are permitted for circulation on the market, may be liquidated in the following cases:

a/ Damaged national reserve commodities which have been re-processed or repaired or the re-processing or repair thereof is considered inefficient, failing to ensure the quality under the national technical regulations;

b/ National reserve commodities which can no longer be used according to their utilities but can be used for other purposes.

2. Heads of national reserve commodity-managing ministries or sectors shall decide

on the liquidation of these national reserve commodities in accordance with law. The modes, process, procedures and organization of liquidation of these national reserve commodities comply with the law on state property management and use.

3. Proceeds from the liquidation of national reserve commodities, after paying reasonable liquidation expenses under law, must be paid into the state budget.

Article 15. Delisting of national reserve commodities

1. Heads of national reserve commodity-managing ministries or sectors shall submit to the Prime Minister for decision the delisting, delivery and sale of national reserve commodities not on the detailed list of national reserve commodities prescribed in this Decree; the delivery and sale modes comply with the Law on the National Reserves.

National reserve commodities for national defense or security, which are delisted, can be delivered for use only for national defense and security purposes.

2. Proceeds from the delivery and sale of national reserve commodities prescribed in Clause 1 of this Article must be paid into the state budget.

Article 16. Destruction of national reserve commodities

1. Expired national reserve commodities, which are degenerated in quality, unusable and not permitted for circulation on the market, must be destroyed.

2. The destruction of national reserve commodities complies with the law on environmental protection and other laws.

3. Heads of national reserve commodity-managing ministries and sectors shall submit to the Prime Minister for decision the destruction of national reserve commodities.

4. Fund for destruction of national reserve commodities is assured by the state budget.

Article 17. Handling of losses of national reserve commodities

1. For losses of national reserve commodities in the course of preservation, which are equal to or lower than the prescribed loss quota, national reserve commodity-managing ministries and sectors, and the specialized national reserve agency may reduce the national reserve capital accordingly and report the settlement thereof to the Ministry of Finance according to regulations.

2. For losses of national reserve commodities in excess of the prescribed quota in the course of preservation, national reserve units shall base on the examination minutes; the loss determination minutes or the written certification of damaged or degenerated commodities under Vietnam standards and the national technical regulations on national reserve commodities; and the minutes on lost national reserve commodities made by the councils for handling of national reserve property of the national reserve agencies or units, to consider, identify the causes of loss or damage, and handle them as follows:

a/ For national reserve commodity losses in excess of the prescribed quota caused by a subjective event, responsible organizations and individuals shall compensate for the loss in excess of the prescribed quota at the prices decided by the heads of the national reserve commodity-managing units and based on

the market prices of such commodities or commodities of the same types at the time of compensation;

b/ For national reserve commodity losses in excess of the prescribed quotas caused by an objective event, they will be handled by reserve capital reduction according to competence decentralization in Clause 3 of this Article.

3. Competence to decide on handling of losses in excess of the prescribed quota, damage or loss of national reserve commodities is prescribed as follows:

a/ Heads of national reserve commodity-managing ministries or sectors, and the head of the specialized national reserve agency may decide on capital reduction for quantities of national reserve commodities handled once with the damage value of under VND 300 million, calculated according to the prices used in accounting books, and take responsibility for their decisions and at the same time report thereon to the Minister of Finance;

b/ Heads of national reserve commodity-managing ministries or sectors, and the head of the specialized national reserve agency shall report to the Minister of Finance for consideration and decision the capital reduction for volumes of national reserve commodities handled once with the damage value of between VND 300 million and under VND one billion, calculated according to the prices used in accounting books;

c/ The Prime Minister shall consider and decide on the capital reduction for volumes of national reserve commodities handled once with the damage value of VND one billion or more, calculated according to the prices used in accounting books.

Article 18. Handling of surplus national reserve commodities

1. National reserve commodities with practically inventoried quantities higher than those recorded in the accounting books must be taken in as increase of national reserve commodities.

2. Heads of national reserve commodity-managing ministries or sectors or heads of national reserve units shall decide on the increase of national reserve commodities and report it to the specialized national reserve agency for making summarization reports to the Ministry of Finance.

Article 19. Deduction for rewards for below-quota losses

1. In case of losses lower than prescribed quotas in the course of preservation of national reserve commodities, national reserve units will be given a reward equal to 50% of the value of commodities lost below the prescribed quotas.

2. The funding sources for giving rewards under Clause 1 of this Article will be allocated from the budget estimate for national reserve management activities for deductions to set up welfare funds, reward funds and additional incomes for civil servants and public employees.

3. Heads of national reserve commodity-managing ministries or sectors, and the head of the specialized national reserve agency shall consider and approve the deducted amounts for rewards for preservation with losses lower than prescribed quotas of their attached units at the same time with approving annual settlement reports.

4. National reserve units shall estimate and settle the funding sources deducted for rewards for below-quota losses.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 20. Effect

1. This Decree takes effect on October 10, 2013.

2. This Decree replaces the Government's Decree No. 196/2004/ND-CP of December 2, 2004, detailing the implementation of the Ordinance on the National Reserves, and Decree No. 43/2012/ND-CP of May 17, 2012, amending and supplementing a number of articles of Decree No. 196/2004/ND-CP of December 2, 2004, detailing the implementation of the Ordinance on the National Reserves. To annul the Prime Minister's Decision No. 77/2008/QĐ-TTg of June 10, 2008, on national reserve occupation-based preferential allowance regime.

Article 21. Guidance and implementation responsibilities

1. The Ministry of Finance shall assume the prime responsibility for, and coordinate with related ministries and agencies in, guiding the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, and chairpersons of provincial-level People's Committees shall implement this Decree.-

On behalf of the Government
Prime Minister
NGUYEN TAN DUNG