

Hanoi, May 4th, 2001

THE GOVERNMENT'S DECREE
on the issuance of the Regulation on the Management and Use of
Official Development Assistance

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992;
Pursuant to the Ordinance on the signing and implementation of international agreement by
the Socialist Republic of Vietnam of August 20, 1998;
At the proposals of the Minister of Planning and Investment, the Minister of Finance, the
Minister of Justice and the Minister-Chairman of the Office of the Government,

DECREE

Article 1- To issue together with this Decree the Regulation on the Management and Use of
Official Development Assistance (ODA for short).

Article 2.- This Decree takes effect 15 days after its signing and replaces Government's
Decree No. 87/CP of August 05, 1997 on the issuance of the regulation on the management
and use of official development assistance.

Article 3.- Within 3 months since this Decree takes effect, all issues relevant to the attraction,
management, use and implementation of ODA project, program elaborated before the day of
this Decree coming into force, must be adjusted to be conforming with regulations of this
Decree.

Article 4.- The Minister of Planning and Investment, the Minister of Finance, the Minister of
Foreign Affairs, the Governor of the State Bank of Vietnam and the Heads of the concerned
agencies shall have to guide and supervise the implementation of this Decree.

Article 5.- The Ministers, the Heads of the ministerial-level agencies, the Heads of the
agencies attached to the Government, the Chairmen of the People's Committees of the
provinces and cities directly under the Central Government and the Heads of the concerned
agencies shall have to implement this Decree./.

ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER

Phan Van Khai
(signed)

REGULATION ON THE MANAGEMENT AND USE OF
OFFICIAL DEVELOPMENT ASSISTANCE
(Issued together with Decree No. 1772 00/ND-CP of May 4, 2001 of the Government)

Chapter 1
GENERAL PROVISIONS

Article 1. Adjustment scale

1. This regulation adjusts the attraction, management and use of official development assistance.

Official development assistance (hereafter referred to as ODA for short) mentioned in this Regulation is construed as development cooperation between the State or the Government of the Socialist Republic of Vietnam and the Donor that includes:

- a) Foreign Government
 - b) Joint governmental or joint national organizations
2. ODA to be provided in the following forms:
- a) Non-refundable ODA;
 - b) Preferential ODA loan with a non-refundable component (so-called “support element”) accounting for at least 25% of the loan value.
3. ODA to be provided in the following modes:
- a) Assistance for the balance of payment;
 - b) Assistance for programs
 - c) Assistance for projects.

Article 2.- Fundamental rules

1. ODA, as an important source of the State budget, shall be used with priority given to socio-economic development objectives.
2. The Government unifies the State management of ODA based on the gradation, the enhancement of responsibility and assurance of close coordination between levels, sectored management agencies and local authorities.
3. The attraction, management and use of ODA must comply with the following requirements:
 - a) The Government holds the management and steering roles, stimulating the highest level of activeness and responsibilities of the line agencies and executing agencies bodies;
 - b) To ensure the comprehension, uniform and consistence in the management of ODA;
 - c) To ensure the wide participation of concerned parties, including the beneficiaries;
 - d) To ensure the evidence and transparency of rights and responsibilities of all concerned parties;
 - e) To ensure the procedural harmony between Vietnam and the Donor.
4. The attraction, management and use of ODA loans must comply with regulations of the Law on State budget, Regulation on management and use of official development assistance, Regulation on management of borrowing and repayment of foreign debts, and other State’s current management systems. In case that international agreement on ODA signed between the State or the Government with the Donor has different regulations, the implementation is subjected to regulations of that international agreement.

Article 3. Fields given with priority in the use of ODA

1. Non-refundable ODA shall be used with priority given to programs and projects in the following fields:

- a) Hunger elimination and poverty reduction, primarily at rural, deep-lying and remote areas;
- b) Health, population and development;
- c) Education and human resource development
- d) Social affairs (job generation, drinking water supply, prevention and opposition against diseases and social evils);
- e) Protection of environment, protection and development of natural resources; scientific and technological research, improvement of study and implementation capacities;
- g) Research for preparation of development programs, projects (planning, fundamental survey);
- h) Administration and judiciary reform, strengthening of capacities of State management authorities at the central and local levels, and institutional development;
- i) Other fields to be decided by the Prime Minister.

2. Preferential ODA loans shall be used with priority given to programs and projects in the following fields:

- a/ Hunger elimination and poverty reduction, agriculture and rural development;
- b/ Transportation, information and communication;
- c/ Energy;
- d/ Social infrastructure (public welfare facilities, health, education and training, water supply and drainage, environmental protection);
- e/ Support for a number of production sectors in order to solve socio-economic problems
- g/ Support for the balance of payment: hi Other fields to be decided by the Prime Minister In the process of implementation, the list and order of fields given with priority in the use of ODA loans shall be adjusted by the Government to comply with each development stage.

Article 4. Procedure for attraction, management and use of ODA

The procedure for attraction, management and use of ODA is undertaken in following steps:

1. Formulation of the list of programs and projects prioritized in the mobilization and use of ODA
2. Mobilization of ODA
3. Negotiation and conclusion of framed international agreement on ODA
4. Notification of framed international agreement on ODA
5. Preparation of agendas for ODA programs, projects
6. Appraisal and approval of contents of ODA programs, projects
7. Negotiation, conclusion, ratification or approval of specific international agreement on ODA
8. Implementation of ODA programs, projects.
9. Monitoring, evaluation, appraisal and acceptance, striking the balance and handing-over the results of ODA programs, projects.

Article 5. Explanation of terminologies

In this Regulation, the used terminologies are understood as follows:

1. **‘Project’** is a composition of inter-relating activities aimed at one or a number of defined goals, to be undertaken in a given period of time based on determined resources. Project comprises investment project and technical assistance project.
2. **“ Investment project”** is project that creates new, expand or upgrade certain

material establishments in order to attain the growth in quantity or maintain, improve and increase quality of products or services in the given period of time.

3. **“Technical assistance project”** is project that mainly emphasize in provision of software technical elements, including projects to build institutional capacity, develop human resources, transfer technology or expertise or knowledge, supply technical inputs for preparation and implementation of investment programs, projects.

4. **“Program”** is a composition of inter-relating activities and projects, and can be relating to various technical, economic sectors, various regions and territories, various different subjects, and is undertaken upon the application of interdisciplinary approach, in a relatively long-term or in multi-phase, and the resources for implementation can be mobilized from different sources, through different modes.

5. **“ODA program, project”** is program, project that use official development assistance (ODA).

6. **“International agreement on ODA”** is agreement in writing that is signed between the representative of the State or the Government of Vietnam with the representative of the Donor on the issues relevant to ODA, including Convention, Protocol, Document of program, project and exchanged documents of equivalent value between relevant partners.

7. **“Framed international agreement on ODA”** is international agreement on ODA that present the principles and has contents relevant to: strategy, policy, cooperation framework, priority direction in provision and use of ODA; list of fields, ODA programs or projects; fundamental conditions and ODA pledge for one year or many years for programs, projects; principles on the modes and plans for management, implementation of programs, projects.

8. **“Specific international agreement on ODA”** is international agreement on ODA that presents pledge on content of specific funded program, project (objectives, activities, projected achievements, implementation plan, funding conditions, capital, capital component, liability, right and responsibility of each side, principles and standards to be conformed with in the management, implementation of program, project and conditions for disbursement and repayment of borrowing loans for program, project).

9. **“Provincial People’s Committee”** is the People’s Committees of provinces, cities directly under the Central Government.

10. **“Agency in charge”** is the agencies at ministerial level, line and People’s Committees of provinces, cities directly under the Central Government where the ODA programs, projects are implemented.

11. **“Project manager”** is organization that takes the responsibility to directly manage, use the ODA fund and counter-fund to implement program, project according to approved content.

12. **“Counter-fund”** is the value of resources (money, material, etc.,) mobilized domestically to prepare and implement ODA program, project upon its requirements. Depends on each program, project, the counter-fund can comprise all or some following components:

a) Fund for preparation of ODA program, project:

- Cost for research, survey, collection, analysis and compilation of initial data;
- Cost for elaboration of program, project documents;
- Cost for appraisal, supplement and finalization of program, project documents until the competent authority makes the approval;
- Cost for program, project preparation committee (including necessary cost for training and improvement of capacity for core official team of the program, project management board in the next phase).

b) Fund for pre-implementation and implementation of ODA program, project:

- Cost for program, project management board (salary, bonus, allowance, office, vehicles and equipment, administrative expense, cost for project monitoring, evaluation, quality control, check and acceptance, handing-over, striking the balance);
 - Cost for appraisal of designing, approval of total cost estimation, finalization of investment, construction procedures and other required administration procedures;
 - Cost for organization of bidding;
 - Cost for meetings, seminars, workshops, training sessions for professional management and implementation of program, project;
 - Cost for receiving and dissemination of international technology, expertise and skill;
 - Cost for dissemination and propagation of program, project and participatory activities;
 - Cost for domestic services and facilities provided to foreign contractors working on terms in Vietnam;
 - Cost for hiring organizations, individuals to monitor, evaluate and appraise the program project;
 - Payment for indirect taxes, custom fees, and insurance fees subjected to current laws and regulations;
 - Payment for interest, deposit, pledged fee and other relevant fees occurred during the construction period;
 - Cost for receiving and inland transportation of equipment;
 - Cost for audit
 - Cost for implementation of certain fundamental activities of program, project (survey, technical designing, land acquisition, compensation and resettlement, construction of certain project items, procurement of equipment);
- Contingency and other accountable costs.

Chapter II

MOBILIZATION, NEGOTIATION, CONCLUSION OF FRAMED INTERNATIONAL AGREEMENT ON ODA

Article 6. Principles of ODA mobilization

The mobilization of ODA must be based on the socio-economic development strategy; foreign borrowing and repayment plan; the public investment programs; the State's planning and socio-economic development plan; national strategies; planning and development plan of localities or sectors; demand for fund, technology, knowledge and management expertise; capacity for receiving and use of ODA in each period of development.

Article 7. List of programs, projects given priority in mobilizing ODA

1. Before quarter IV annually, the Agency in charge shall inform Ministry of Planning and Investment the list of programs, projects given priority in mobilizing ODA, enclosed with draft of each program, project stating clearly the necessity and planning conformity, objectives, expected achievements, major activities, tentative implementation period, tentative ODA fund and counter-fund, tentative domestic financial mechanism for the use of ODA loan (allocation from budget, re-lending), estimation of socio-economic and environmental impacts of the program, project.

2. Ministry of Planning and Investment takes the responsibility, in coordination with Ministry of Finance, Ministry of Foreign Affairs, Government Office, Ministry of Justice (in relation to legal cooperation with foreign countries), Government's Committee on Organization and Personnel (in relation to administration reform), Ministries and line management agencies, to review, compile the List of programs, projects given priority in mobilizing ODA of the Agencies in charge and include it in the Government's report for mobilization of ODA at the annually Consultative Group meeting (CG meeting).

3. This list shall be reviewed, supplemented and adjusted annually by Ministry of Planning and Investment based on actual performance as well as newly-arisen demands for ODA.

Article 8. Coordination of ODA mobilization

1. Ministry of Planning and Investment is the sole agency of the Government in arrangement of Consultative Group Meeting and International Forum on ODA for Vietnam. Ministerial-level agencies and line agencies are to prepare and organize the sectoral ODA coordination meeting in cooperation and co-organization of Ministry of Planning and Investment. Provincial People's Committees are to organize territorial ODA mobilization meeting with the guidance from Ministry of Planning and Investment.

2. Diplomatic entities of Vietnam in foreign countries are to actively mobilize the ODA following the guidance of Ministry of Planning and Investment.

Article 9. Negotiation, conclusion of framed international agreement on ODA

1. Ministry of Planning and Investment is to take the responsibility, in coordination with Ministry of Finance, Ministry of Foreign Affairs, Government Office and concerned function agencies to make the list of ODA programs, projects of the corresponding Donors and submit to Prime Minister for consideration and approval.

2. Ministry of Planning and Investment is to take the responsibility, in coordination with Ministry of Finance, Ministry of Foreign Affairs, Government Office and Agencies having demands of ODA, to prepare contents and carry out negotiation, conclusion with Donors the framed international agreements on ODA.

3. In case the draft content of framed international agreement on ODA has clauses that are not in conformity with regulations of current legislation, Ministry of Planning and Investment must consult written opinions of Ministry of Finance, Ministry of Foreign Affairs, Ministry of Justice and Ministerial-level Agencies, and compile them for submission to Prime Minister for review and approval.

4. The conclusion of framed international agreement on ODA is undertaken in accordance with regulations stipulated in the Ordinance on Conclusion and Implementation of international agreements.

5. After the conclusion of framed international agreement on ODA, Ministry of Planning and Investment shall notify Agencies in charge in writing about the program, project agreed by the Donors to be considered for ODA provision in period for the successive preparations.

6. For ODA provided by the Donors in the separate program or project excluding the plan and framed international agreement on ODA, Ministry of Planning and Investment shall take responsibility, in coordination with Ministry of Finance, Ministry of Foreign Affairs, Government Office and concerned function agencies, to submit Prime Minister for consideration and approval of receipt.

Chapter III PREPARATION, APPRAISAL AND APPROVAL OF ODA PROGRAM, PROJECT CONTENTS

Article 10. Requirement for elaboration of ODA program, project document

All ODA program, project must have documents elaborated in accordance with principal contents stipulated in Chapter III of this Regulation, conforming with rules and regulations on management of investment and construction, current legislation and requirements, guidance provided by the Donors.

Article 11. Domestic financial mechanism on the use of ODA

1. Domestic financial mechanism on the use of ODA for program, project shall be undertaken in the following forms:

- a) Allocation from State's budget
- b) Re-lending from State's budget
- c) A combination of allocation and re-lending from State's budget.

2. The detailed application of domestic financial mechanism for each sector, program, project using ODA shall be undertaken according to current rules and regulations, with consideration of specific conditions of each program, project and of each agency, locality implementing that ODA program, project.

Article 12. Fund for preparation of ODA program, project

1. ODA programs, projects in the list approved by Prime Minister and agreed by the Donors for ODA consideration (according to notification of Ministry of Planning and Investment), are the basis for formulation of preparatory fund plan for ODA program, project in one year or many years.

2. For ODA program, project within the allocation from State budget, the Agency in charge shall formulate the preparatory fund plan for compiling into overall annual budget plan of that sector or locality. Procedure for approval and allocation of preparatory fund of ODA program, project shall be implemented in accordance with legislation on State budget. In case the programs, projects to be considered for funding do not coincide with the period of

formulation of annual budget plan, the Agencies in charge must have document sent to Ministry of Planning and Investment, Ministry of Finance requesting for consideration and permission to use in advance funds from Central Government's contingency budget, and after that deduct them in the preparatory fund plan for program, project in the following fiscal year.

3. ODA programs, projects that belong to State's re-lending from budget or to combination of both State's allocation and re-lending, the Project Managers shall have to balance and deploy the preparatory funds for program, project.

4. In case the Donors provide technical support for project preparation, provide all or a part of fund for ODA program, project preparation (including the training and improvement of management competence of program, project in the following stage), the Agencies in charge have responsibilities to include in the annual preparatory fund plan and inform Ministry of Planning and Investment, Ministry of Finance for compilation and monitoring.

Article 13. Preparation Committee of ODA program, project

1. Within 15 working days from the date of receiving the official notification from Ministry of Planning and Investment on list of ODA programs, projects approved by Prime Minister and agreed by the Donors for fund consideration, the Heads of the Agencies in charge shall decide the establishment of preparation committee of ODA program, project; nominate the Head of the Committee and key official. There must be adequate number of capable officers in the Preparation Committee to be core for Management Board of program, project in the following stage.

2. Preparation Committee of ODA program, project has the following responsibilities:

- a) To study and well perceive rules and regulations stipulated by the Government of Vietnam and the Donors regarding the preparation and implementation of program, project;
- b) To understand clearly objectives, requirements and condition set forth for program, project;
- c) To formulate preparatory plan for program, project to submit for approval from the Agency in charge;
- d) To clearly define the needs for personnel, training, cost, working facilities and relations to be handled in the process of program, project preparation;
- e) To organize the mobilization of suitable resources for preparation of program, project;
- 0 To serve the leading role in coordinating domestic organizations and the Donor in the process of elaboration of program, project documents.
- g) To draft the regulation on organization and operation, and other necessary documents for project management board;
- h) To participate in negotiation of specific international agreements on ODA

Article 14. Major contents of preparatory plan for ODA program, project

Preparatory plan for ODA program, project must include the major contents as follows:

1. Objectives and projected results of preparatory process, enclosed with detailed draft and required contents of program, project documents.
2. Procedure of preparatory steps, major result of each step, main activities undertaken for each result.
3. Assignment of organization, implementation, and nomination of subjects needed to include in the preparatory process.

4. Difference between Vietnam's procedure and the Donor's procedure, necessary means to harmonize the procedures.
5. Schedule to complete activities, results of preparatory process and agenda for mobilization of corresponding inputs.

Article 15. Pre-feasibility study of investment program, project using ODA loan

Pre-feasibility study of investment program, project using ODA loan must be formulated in accordance with current legislation on management of investment and construction, and supplemented with the following contents based on the unique feature of ODA loan:

Position and role of program, project in development planning of sector, locality;

Reasons for using ODA; strengths of the Donor in technology, management expertise, and policy consultation within the funded scale.

Assessment of concessional conditions imposed by the Donor on ODA program, project.

Article 16. Feasibility study of investment program, project using ODA loan

Feasibility study of investment program, project using ODA loan must be formulated in accordance with current legislation on management of investment and construction, and supplemented with the following contents based on the unique feature of ODA loan:

1. Analysis of environmental impact of program, project
2. Analysis of financial, socio-economic effectiveness of program, project, taken into account the concessions imposed by the Donor.
3. Sustainability of program, project after its completion (ability to manage and operate).

Article 17. Major contents of ODA program, project of technical support

Documents of technical support program, project must have following contents:

1. Background and necessity of program, project in the framework of long-term development plan, planning of sector and locality.
2. Objectives, contents of activities, particularly consultation activities, specific inputs and outputs of each activity, and general qualitative, quantitative objective of overall program, project.
3. Liabilities that Vietnam pledges to undertake
4. Total funding value, plan of fund use, allocation method for each activity subjected to determined criteria.
5. Counter-fund (material, money) and counter-fund sources.
6. Modes to organize the implementation of program, project.
7. Sustainability of program, project after its completion

Besides the above-mentioned contents, documents of technical support program, project can comprise other contents based on agreement with the Donor.

Article 18. Appraisal of ODA program, project

1. ODA program, project submitted to competent authority for appraisal must be in the list approved by Prime Minister and funded by the Donor.
2. Documents of ODA program, project stated in Article 15, 16 and 17 of this Regulation, and other attached documents (including supplement, adjustment documents), must be appraised and approved by the competent authority, to be used as base for negotiation, signing and implementation of detailed ODA international agreements with the Donors.
3. For ODA program, project that is subjected to appraisal competence of Prime Minister stipulating in Item 1, Article 20 of this Regulation, Ministry of Planning and Investment will be take responsibility to organize the appraisal.

4. For ODA program, project that is subjected to appraisal competence of the Heads of Agencies in charge stipulating in Item 2, Article 20 of this Regulation, the competent authority will assign the functioned organization under its management to organize the appraisal.

5. The organizations that organize appraisal are permitted to use professional agencies at central and local level, consultative organization of independent individual to assist them in appraisal of program, project.

6. In the appraisal process, the organization that organizes appraisal must consider contents agreed with the Donors, consider appraisal made by the Donors or representatives of the Donors. Consensus or difference of sides must be recorded in the appraisal report.

7. Concerned agencies participated in appraisal take legal responsibilities in contents of ODA program, project that are relevant to their competence.

8. Appraisal document of ODA program, project comprises the following:

a) Proposal for appraisal written by Project Manager

b) Written opinions of the Head of the Agency in charge (to be applicable for program, project approved by the Prime Minister.).

c) Program, project documents (for investment program, project, the document is pre-feasibility study report or feasibility study report).

d) All documents of agencies concerned in the process of program, project preparation.

e) Any agreement, memorandum of understanding with the Donors or representatives of the Donors, reports made by appraisal consultant team upon the request of the Donors (if have). Appraisal document to be made in S sets for programs, projects that are subjected to the appraisal competence of the Prime Minister, 5 sets for programs, projects that are subjected to the appraisal competence of the Heads of Agencies in charge, in which at least 1 set is original, all to be sent to the agency organizing the appraisal which is stipulated in Item 2 and 3 of this Article. Documents in foreign languages must have accurate Vietnamese translation attached.

9. Agency organizing the appraisal must compile opinions of concerned agencies, make appraisal report and submit to competent organization for approval. Appraisal report must state clearly appraisal comments on:

a) Accuracy of data, theoretical foundations, calculations, conclusions and recommendations stated in the appraisal documents;

b) Feasibility of the program, project;

c) Reasonability of the use of ODA fund for program, project;

d) Constraints, standstill issues, possibilities and solutions, executing agencies and time for solving;

e) Pledges on institutional and policy adjustments, procedural difference in implementation of ODA program, project, requirements and prerequisite, conditions imposed by the Donors on the ODA funds (if have);

g) Proposal to management agency to organize negotiation on specific international agreement on ODA; In case of necessity, drafted approval of program, project contents must be enclosed with appraisal report. Agency organizing the appraisal and organizations participating in appraisal must take responsibility to competent authority and the legislation about their appraisal report.

10. Procedural process and time of appraisal of ODA funded programs, projects that are subjected to appraisal competence of the Prime Minister, shall be implemented according to current rules and regulations on management of investment and construction.

11. Procedural process and time of appraisal of ODA funded programs, projects that are subjected to appraisal competence of the Heads of the Agencies in charge, shall be decided by them.

Within 10 working days from the date completing appraisal and, approval, Agencies in charge must send Ministry of Planning and Investment, Ministry of Finance the following: appraisal report and approval (original copy), approved documents of program, project with stamp on adjacent pages.

Article 19. Appraisal of technique supported ODA programs, projects

1. Technique supported ODA programs, projects submitted for appraisal and approval must be in the list of technique supported ODA programs, projects approved by the Prime Minister and agreed by the Donors for fund provision.
2. For technique supported ODA programs, projects which are subjected to appraisal competence of the Prime Minister as stipulated in Item I, Article 20 of this Regulation, Ministry of Planning and Investment shall be the agency to organize the appraisal.
3. For technique supported ODA programs, projects which are subjected to appraisal competence of the Heads of Agencies in charge as stipulated in Item 2, Article 20, appraisal competence shall be assigned for functional organization directly under the management of agency that organizes the appraisal.
4. Documents of technique supported ODA programs, projects which are produced by Agencies in charge, must have contents consisting with draft of technique supported ODA programs, projects upon submission to the Prime Minister for approval.
5. Ministry of Planning and Investment takes responsibility to guide the contents and procedure of appraisal of technique supported ODA programs, projects that are subjected to appraisal competence of the Prime Minister.
6. Agencies in charge take responsibilities to guide the contents and procedure of appraisal of technique supported ODA programs, projects which are subjected to their appraisal competence. Within 10 working days from the date completing appraisal and approval, Agencies in charge must send Ministry of Planning and Investment, Ministry of Finance the following: appraisal report and approval, approved documents of technique supported ODA program, project with stamp on adjacent pages.

Article 20. Competence for approval of ODA program, project contents

1. The Prime Minister shall approve ODA programs, projects of group A, including:
 - a) Credit programs, support for balance of payment which use ODA fund;
 - b) National, sectoral or inter-regional program, projects that use ODA fund;
 - c) ODA using programs, projects with objectives relevant to institution, State policy, legislation, administration reform, information culture, security, national defense (not subject to fund scale);
 - d) ODA using programs, projects have investment capital according to current regulations on management of investment and construction. The exchange from currency of donor's country to Vietnamese dong shall be undertaken at the exchange rate regulated by the State Bank of Vietnam at the time of formulation of documents of ODA using investment project;
 - e) Technique supported ODA programs, projects with capital of more than I million USD, the currency of donor's country shall be converted to US dollar at the exchange rate given by the Donor at the time of project formulation.
2. The Heads of Agencies in charge shall approve the ODA programs, projects that are not stated in item 1 of this Article. Upon making the approval, the Heads of Agencies in charge must base on priority given for use of ODA that is regulated in Article 3 of this Regulations, base on socio-economic impact of the ODA programs, projects, base on the list of ODA programs, projects approved by the Prime Minister, and take legal responsibility for their decision.

3. Within 20 working days from the date of receiving appraisal report, the Prime Minister shall make approvals for ODA programs, projects that are stated in item 1, this Article. Within 10 working days from the date of receiving appraisal report, the Heads of Agencies in charge shall make approvals for ODA programs, projects which are stated in item 2, this Article.

Chapter IV

NEGOTIATION, CONCLUSION OF CONCRETE ODA INTERNATIONAL AGREEMENTS

Article 21. Bases for negotiation, conclusion of concrete ODA international agreements

1. Bases for negotiation, conclusion of concrete ODA international agreements are documents of ODA programs, projects (feasibility study or investment decision in case of investment programs, projects) which are approved by competent authorities of Vietnam
2. In special cases, in order to ensure the pace of ODA mobilization, based on explanatory documents of Agencies in charge and based on the nature of ODA programs, projects, Ministry of Planning and Investment shall recommend the Prime Minister to allow the use of pre-feasibility study of ODA programs, projects approved by competent agencies as the base for negotiation and signing of concrete ODA international agreements.
3. Ministry of Planning and Investment shall notify the approval of ODA program, project to the Donors. After the Donors make the acceptance, Ministry of Planning and Investment shall inform the Agencies in charge in order to coordinate the preparation of contents for negotiation of concrete ODA international agreements.

Article 22. Negotiation of ODA international agreements

1. Presiding the negotiation of concrete ODA international agreements:
 - a) Agencies in charge are authorized to preside, in coordination with concerned organizations, negotiations on non-refundable concrete ODA international agreements;
 - b) Ministry of Finance is authorized to preside, in coordination with concerned agencies, negotiations on concrete international agreements on ODA borrowing loans.
 - c) The State Bank of Vietnam is authorized to preside, in coordination with concerned agencies, negotiations on concrete ODA international agreements with international financial institutions stated in item I, Article 40 of this Regulation.
 - d) In necessary condition or upon requested by the Donors, the Prime Minister shall assign a suitable agency to act on behalf of the Government or ask the President to authorize a suitable organization to act on behalf of the State to preside negotiations on concrete ODA international agreements.
2. In the course of negotiation, presiding Agency shall directly consult opinions of concerned agencies to discuss with the Donors about the contents of concrete ODA international agreements. If international agreements have contents adjusted in comparison with approval of ODA programs, projects, the agency that made the approval takes responsibility to review and decide the necessary adjustments. For ODA programs, projects to be approved by the Prime Minister, before submission to the Prime Minister for reviewing and deciding the supplements and adjustments, the agencies presiding the negotiation must consult in writing with Ministry of Planning and Investment, Ministry of Finance, Ministry of Foreign Affairs and concerned agencies.

Within 10 working days from the date of receiving of document from presiding agency, the above-mentioned agencies must feedback their written opinions.
3. In cases where the draft of concrete ODA international agreement contains provisions which do not conform with the laws of Vietnam or have not stipulated in Vietnam legislation

or contains pledges on institution, policy which are over the competence of the agency in charge of negotiating this international agreement, it has to report to the Prime Minister for reviewing and decision.

Article 23. The signing of concrete ODA international agreements

1. Upon the completion of the negotiation, the Agency in charge of negotiation shall inform in writing the Ministry of Planning and Investment, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Justice and concerned agencies about the negotiation results together with draft of concrete ODA international agreement.
2. For programs, projects that use ODA borrowing loans and programs, projects approved by the Prime Minister, upon receiving written opinions from concerned agencies, the agency in charge of negotiation shall submit the Prime Minister for approval of negotiation results and nomination of person to sign on behalf of the government the concrete ODA international agreements with the Donors.
3. For programs, projects that use non-refundable ODA and are approved by the Heads of the Agencies in charge, upon receiving written opinions from concerned agencies stated in item 1 of this Article, the Head of the Agency in charge of negotiation is authorized by the Government to sign concrete ODA international agreements with the Donors.
4. In cases where the concrete ODA international agreements must be signed under the name of State of the Socialist Republic of Vietnam, the Prime Minister shall submit it to the State President for consideration and decision.
5. The signing of concrete ODA international agreements is undertaken in conformity with regulations stated in the Ordinance of the Conclusion and Implementation of international agreements. In cases where other regulations are made in the agreement between competent authorities of Vietnam with the Donors, these regulations shall be implemented.

Chapter V

MANAGEMENT AND IMPLEMENTATION OF ODA PROGRAMS, PROJECTS

Article 24. Project manager

1. Project manager (including component Project managers, if have) must be defined in the approval of ODA program, project made by competent authorities of Vietnam.
2. Ministerial-level agencies, Provincial People's Committees, line agencies which are eligible to be Project managers for programs, projects with ODA allocated by the State, but are not eligible to be Project managers for programs, projects with ODA re-lent by the State, excluding the special case where programs, projects have both allocated and re-lent funds, Ministry of Planning and Investment coordinates with Ministry of Finance to submit the Prime Minister for consideration and decision.

Article 25. Management Board of ODA program, project

1. Agencies in charge shall issue the decision on establishment of Project Management Board, right after the competent authority's approval of document of ODA program, project.
2. Management Board of ODA program, project (hereafter called project management board for short) is the representative body of the Project manager, to be entirely competent to exercise rights and tasks assigned on behalf of the Project manager from the beginning till the end of the project, including the striking of balance, check and acceptance, handing-over and putting into operation.
3. Project management board must have Regulation on organization and operation approved by the Agency in charge. Ministry of Planning and Investment shall guide in detail the

standard norms of functions, tasks and operational organization of Project Management Board.

4. Project Management Board is eligible to have its own stamp, bank account subjected to Project manager's decision in order to implement the program, project in accordance with laws and concrete ODA international agreement.

Article 26. Counter-fund for preparation, implementation of ODA program, project

1. ODA programs, projects must be ensured with sufficient counter-fund for preparation and implementation. Sources and use mechanism of counter-fund must be stipulated in the approval of ODA program, project document.

2. Counter-fund for preparation, implementation of ODA program, project that is allocated from State's budget and managed, disbursed by Agencies in charge must comply with regulations of State budget and signed ODA international agreement.

3. For ODA program, project with fund from total State's budget re-lending and with one part of State relending, one part of State allocation, the Project manager has to find all counter-fund and has to produce full accountability on the possibility and plan of counter-fund before signing the borrowing contract. In this case, Project manager is given priority to borrow from State credit sources or from development assistance fund. In case where sudden difficulty for counter-fund occurs, the Project manager must report to the Agency in charge for necessary solving solution.

4. For ODA program, project, which does not have counter-fund budgeted on time, or have suddenly-arisen needs for counter-fund, Project manager and Agency in charge must have written document sent to the Ministry of Planning and Investment, Ministry of Finance requesting for consideration and provision in advance the counter-fund from Central Government's reserves and then balanced into counter-fund of the next phase.

5. Agency in charge is eligible in moderating counter-fund allocated in fiscal year from program, project that does not use up its counter-fund to other program, project that has demand for more counter-funds.

Article 27. Advance fund for implementation of ODA program, project

In case where there is an urgent need for advance fund for implementation of certain items of ODA pledged program, project, the Ministry of Finance, in coordination with the Ministry of Planning and Investment, shall consider, decide the advance fund from State's budget based on explanatory document of Agency in charge and written agreement of the Donor. This advance fund will be retrieved by Ministry of Finance upon the disbursement of ODA fund allocated for those items.

Article 28. Taxes applicable to ODA programs, projects

1. Taxes applicable to ODA programs, projects shall be implemented in conformity with current legislation.

2. Interest from ODA capital excluded from paying business income taxes shall be handled by regulations stated in the Law on business income taxation.

3. In case where international agreement Vietnam signed or participated in, has different provisions regulating taxes relevant to the implementation of ODA program, project, the provisions of the international agreement will be applicable.

Article 29. Site clearance

1. The compensation, site clearance, re-settlement in ODA programs, projects shall be undertaken according to current regulations of the State. In case where international agreement on ODA signed between the State or the Government of Vietnam and the Donor,

has different regulations relating to site clearance, re-settlement in comparison with Vietnam's regulations, provisions of the international agreements shall be implemented.

2. In document submitted for approval of bidding plan of ODA program, project, there must be official written pledge made by competent agencies on the pace, time for compensation, site clearance and resettlement to be conforming with implementing pace of each bidding belonged to the above-mentioned ODA program, project.

Article 30. Bidding

The bidding for ODA program, project shall be implemented according to current legislation.

Article 31. Adjustment, change and supplement of ODA program, project contents during the cause of implementation.

1. For ODA program, project approved by the Prime Minister which is defined in item 1, Article 20, upon having a need for adjustment, supplement during the cause for implementation, Agency in charge must send explanatory document stating the adjustment, supplement to Ministry of Planning and Investment for solution according to the following regulations:

a) Ministry of Planning and Investment is in charge to organize appraisal and submit to the Prime Minister for approval in the following cases:

- Adjust, supplement the contents of program, project, leading to the changes in the approved objectives

- Adjust, supplement the contents of program, project, leading to the increase of more than 10% in total capital, or less than 10% but of more than 1 million USD in value in the case of investment program, project and more than 0.1 million USD in value in case of technical support program, project (Donor's currency to be converted into US \$ at the exchanged rate regulated by the Donor)

b) Agency in charge shall approve the adjustment, supplement which are not defined in section a, item I of this Article.

2. For ODA programs, projects approved by Agencies in charge, upon having needs for adjustment, supplement during the cause of implementation, Project Management Board shall send explanatory document for adjustment, supplement to Project Manager and Agency in charge of organizing appraisal defined at Item 4, Article 18 of this Regulation for solution in conformity with the following regulations:

a) The Head of the Agency in charge has competence in approving ODA program, project, based on written opinions of the agency in charge of organizing the appraisal and of the Project manager, for the following cases:

- Adjust, supplement the program, and project contents, leading to the changes in the approved objectives

- Adjust, supplement the contents of program, project, leading to the increase of more than 10% in total capital, or less than 10% but of more than 500,000 USD in value in the case of investment program, project and more than 50,000 USD in value in case of technical support program, project (Donor's currency to be converted into US \$ at the exchanged rate regulated by the Donor)

b) Project manager shall approve the adjustment supplements that are not defined in section a, item 2 of this Article.

3. Besides regulation defined in the above section b, item 2, Project manager is competent to decide the adjustment, supplement in the following cases:

a) Adjustment of total capital (converted into Vietnam dong) of ODA program, project caused by the change in exchange rate or the adjustment, supplement of self-mobilized counter-fund.

b) Adjustment of capital composition (adjustment of budget allocation) of ODA program, project, but without changing the objectives and total capital of approved program, project.

Adjustments, supplements that lead the program, project to become either of cases defined in item 1, Article 20 of this Regulation, shall be handled subjected to regulation in item 1 of this Article.

5. In case where the Donor agrees for the use of capital unused after the bidding of ODA program, project (unused capital hereby is understood as the disparity between total funding value stated in the signed ODA international agreement and the total approved bidding value), the use of that capital is undertaken as an independent ODA project to be implemented with priority to promote the efficiency of the ongoing program, project. The Agency in charge must inform and coordinate with Ministry of Planning and Investment to follow necessary procedure in utilizing that unused capital.

6. In case where the adjustment, supplement is needed, it is requested to conform to regulations stipulated in the Ordinance on the Conclusion and Implementation of international agreement.

Article 32. Construction management, check and acceptance, handing over and striking the balance

1. The appraisal, approval of technical design and total cost estimation, issuance of construction license, construction quality control, check and acceptance, guarantee, and insurance of facilities belonged to ODA investment program, project shall be undertaken in conformity with State regulations on management of investment and construction.

2. For technical support ODA program, project, upon the completion of implementation, Project manager shall conduct the check and acceptance, and carry out necessary works to continue operating and maximizing the achieved results.

3. The drawing of the balance of the ODA program, project must be undertaken in conformity with regulations defined in signed international agreements on ODA and State laws.

Chapter VI

MONITORING, EVALUATION OF ODA PROGRAM, PROJECT

Article 33. Monitoring, evaluation of ODA program, project

1. Monitoring of ODA program, project is a regular and periodical activity in order to update the situation of program, project.

2. Evaluation of program, project is a regular and periodical activity in order to analyze and clarify⁹² the correlation between the actual achievements with expected objectives as stated in documents of approved program, project, at the same time to find the difficulties, constraints (occurred or potential) in order to find solutions to overcome or prevent effectively, and determine the conformity to management regulation. The evaluation is undertaken in the 4 following main steps:

a) Initial evaluation: to be conducted right after the implementation of program, project, in order to see the actual situation of the program, project, in comparison with approved document, in order to have timely tackling measures right at the technical designing stage and to make detailed implementation plan;

b) Mid-term evaluation: to be conducted at the mid term of the program, project implementation to review the implemented process from the beginning till that time and suggest necessary adjustments;

c) Completion evaluation: to be conducted right after the completion of program, project implementation, in order to review the attained results and summarize the whole cause of implementation, drawing necessary experiences to use as the base for making project completion report;

d) Operation evaluation (operating evaluation): to be conducted at a suitable time within 5 years from the date of putting program, project into operation, in order to clarify the efficiency, sustainability and socioeconomic impacts of the program, project in comparison with initially expected objectives.

3. The planning, implementation organization and budget for monitoring, evaluation extracted from ODA fund or counter-fund, must be defined in the document of ODA program, project and conformed to the nature of each program, project.

Article 34. Responsibility to monitor, evaluate the ODA program, project

I. Project management board takes responsibility to regularly monitor, evaluate the ODA program, project and has to:

a) Define clearly the possible resources, implementation pace, completion time, qualitative goals and result criteria subjected to each activity of the ODA program, project, to use as the base for monitoring and evaluation;

b) Establish internal information system, collect and file necessary information, data, documents, records, books, receipts of ODA program, project, reports of the bidders, changes in the State policy and legislation, and relevant regulations imposed by the Donors;

c) Make reports according to regulation, provide and disseminate information through the monitoring, national evaluation, sectoral evaluation and local evaluation information system.

d) Conduct or hire consultants to conduct the research, make initial, mid-term, completion evaluation reports according to contents of approved ODA program, project document; serve as the coordinator for the Donor or competent levels.

2. Project manager takes responsibility to direct, urge and support Project Management Board in the monitoring, evaluation of ODA program, project. In case where the Project manager could not solve the difficulty itself, it must timely request competent level for help. Concerned agencies take responsibility to consider, handle and feedback to requests of Project Manager and Project Management Board within 15 working days. In case the problem could not be solved in that time, they must notify Project Manager and Project Management Board.

3. The Agency in charge shall conduct, coordinate with concerned agencies to conduct or hire consultants to evaluate ODA program, project activities if it is necessary to conduct such evaluation.

4. The Agency in charge of ODA program, project shall conduct, coordinate with concerned agencies and the Donor to organize the regular and irregular inter-reviewing meetings for each or for a group of ODA programs, projects.

5. Ministry of Planning and Investment shall conduct, coordinate with State management agencies responsible for ODA, based on functions, duties to be defined in Chapter II of this Regulation, the monitoring and evaluation of ODA program, project. In case of necessity, Ministry of Planning and Investment shall conduct, coordinate with Ministry of Finance, line ministries and localities to organize the joint mission team to work directly with ODA program, project management board to consider, solve the recommendations relating to that ODA program, project. For issues that are over its competence. Ministry of Planning and Investment is responsible for compiling the opinions of concerned agencies to submit to the Prime Minister for consideration and decision.

6. Ministry of Planning and Investment shall conduct, coordinate with General Statistic Office to develop and compile periodical statistic criteria on the receipt and use of ODA,

coordinate with concerned agencies to establish and operate information system for monitoring and evaluation of ODA program, project, to make favorable condition for exchanging and dissemination information and exploitation of this system.

Article 35. Reporting the implementation of ODA program, project

I. In the cause of implementation of ODA program, project, Project Management Board must develop and send the following reports to the Project Manager, Agency in charge, Ministry of Planning and Investment, Ministry of Finance and provincial concerned agencies.

a) Monthly report, latest by 10 working days after the end of month (only applicable to investment program, project approved by the Prime Minister and is in national focus upon written request from Ministry of Planning and Investment);

b) Quarter report, latest by 15 working days after the end of the quarter;

c) Annual report, latest by January 31 of the following year;

d) Completion report, latest by 6 months after the completion of program, project implementation; Other reports for the Donor shall be made according to provisions in the signed international agreement on ODA.

2. Quarterly, the Agency in charge shall prepare compilation report on the ODA mobilization results, report on the evaluation of ODA program, project implementation and send to Ministry of Planning and Investment, Ministry of Finance 20 days after the end of the quarter at the latest.

3. Ministry of Planning and Investment shall prepare 6-month compilation report and annual report on the attraction and use of ODA nationwide to submit to the Government, and to conduct, coordinate with concerned agencies to guide the reporting system and uniform report on ODA.

Article 36. Examining, inspecting the receipt, management and use of ODA

The examination, inspection of the reception, management and use of ODA must be undertaken in accordance with legislation.

Chapter VII

STATE MANAGEMENT OF ODA

Article 37. The Government unifies its State management of the ODA

The Government decides the strategy, planning, and plan to attract and use of ODA for each period of **development**, approving the list and contents of ODA program, project, executing macro-management and implementation, issuing legal documents on management and use of ODA.

Article 38. Ministry of Planning and Investment, the sole agency in coordinating and managing ODAS and have the following tasks:

1. In charge in elaborating strategy and plan to attract and use ODA; guiding Agencies in charge to develop the list and contents of program, project prioritized for ODA mobilization; compiling list of ODA using program, project to submit to the Prime Minister for approval.

2. In charge in organizing, mobilizing and coordinating ODA sources in conformity with strategy, plan for attraction and use of ODA and list of program, project prioritized for ODA mobilization.

3. Taking responsibility to prepare contents and conduct the negotiation of framed international agreement on ODA; to act on behalf of the Government in signing the framed international agreement on ODA with the Donors.

4. Taking responsibility to guide concerned organization, agencies to prepare ODA program, project; conducting and coordinating with Ministry of Finance to determine the modes of ODA loan use, appraising and submitting to the Prime Minister for approval of ODA program, project documents,
5. Being responsible for monitoring, supporting the preparation of contents and negotiations on concrete international agreement on ODA with the Donors.
6. Being responsible for conducting, coordinating with Ministry of Finance to compile and plan the disbursement of ODA loans, adequately and timely prepare fund for preparation of ODA program, project; together with Ministry of Finance and concerned agencies to determine the reasonable contingency in the State budget for annual approval of the Prime Minister and the National Assembly in order to solve sudden demand for counter-fund for ODD program, project.
7. Being responsible for monitoring, evaluation and check the management, implementation and efficiency of ODA program, project; urging, supporting the implementation of ODA program, project; serving as the sole agency in solving problems relevant to ministries, sectors; recommending the Prime Minister to consider and decide measures in tackling ODA related issues.
8. Being responsible for constructing, operating and completion of monitoring, evaluation information system for ODA program, project; facilitating the dissemination of information and effectively exploit this system.
9. Being responsible for overall reporting periodically (6 months, one year) and upon special requests made by the Party and the State about the situation of management, implementation of ODA programs, projects and efficiency in attraction and use of ODA.
10. Being responsible for elaborating and disseminating professional guidance on mobilization, preparation, appraisal, implementation management, monitoring, and evaluation of ODA program, project, taking into account of harmonization with the Donors.

Article 39. Ministry of Finance exercises the following tasks:

1. Coordinating with the concerned agencies in preparing strategy, plan for attraction and use of ODA and allocation of ODA; guiding the preparation of ODA program, project relating to the fund-using conditions, financial management, analysis and assessment of effectiveness of ODA use.
2. Preparing contents to be negotiated, upon the authorization of the State Presidents or the Government's Prime Minister to conduct negotiation on concrete international agreements on ODA, excluding international agreements on ODA that are stated in item, Article 40 of this Regulation.
3. Acting as the official representative of the **'borrower'**, i.e. the State or the Government of the Socialist Republic of Vietnam, in specific international agreements on GAD loans, including the cases where the State President or the Prime Minister mandates another agency to assume the main responsibility for negotiating these international agreements.
4. Being responsible for the financial management of ODA-using programs and projects:
 - a) Conducting, coordinating with the concerned agencies in designing a financial management mechanism for ODA programs and projects and submitting it to the Prime Minister for decision
 - b) Conducting, coordinating with Ministry of Planning and Investment and concerned agencies to prepare and submit to the Prime Minister the domestic financial mechanism applicable for ODA program, project.

- c) Issuing concrete procedures for capital withdrawal and management of capital withdrawal of ODA program, project, based on current provisions of law and ODA international agreements already concluded with foreign parties.
 - d) Coordinating with Ministry of Planning and Investment to compile and plan the disbursement of ODA loans, adequately and timely prepare fund for preparation of ODA program, project; together with Ministry of Planning and Investment and concerned agencies to determine the reasonable contingency in the State budget for annual approval of the Prime Minister and the National Assembly in order to solve sudden demand for counter-fund for ODD program, project. Re-lending and retrieving loans of the budget from programs, projects which are permitted to borrow ODA;
 - e) Arranging the State budget capital for paying due ODA loans to foreign parties;
 - e) Overseeing the financial management in the use of ODA capital; applying the State budget cost accounting accountancy for ODA loans; summing up data on capital withdrawal, settlement and loan payment of ODA using programs and projects, notifying the toe the concerned agencies and report them to the Prime Minister.
5. Elaborating and disseminating professional documents to guide the disbursement and financial management for ODA using programs and projects.

Article 40. The State Bank of Vietnam exercises the following tasks:

1. Coordinating with a the concerned agencies in preparing contents to be negotiated; being responsible, by mandate of the State President or the Prime Minister, for holding negotiations on concrete ODA international agreements with international financial institution: the World Bank (WB), International Monetary Fund (IMF), Asian Development Bank (ADB); handing over the capital and all relevant information of ODA program, project to Ministry of Finance after the aforesaid ODA international agreements comes into effect, except for loan agreements with the International Monetary Fund
2. Being responsible for coordinating with the Ministry of Finance in designating and mandating appropriate commercial banks to conduct external transaction of ODA loans, effect the re-lending of ODA and retrieve debts to the State budget in necessary case.
3. Being responsible for making periodical wrap-up reports on the actual situation of capital withdrawal settlement via the system of accounts opened at banks by the ODA using programs and projects and inform the Ministry of Finance an the concerned agencies thereof.

Article 41. The Ministry of Foreign Affairs exercises the following tasks:

1. Coordinating with the concerned agencies in elaborating and implementing the policies and orientations for the mobilization of various sources of ODA as well as the cooperation policy on the basis of the general foreign policy.
2. Participating in negotiation and opinion contribution for construction of draft international agreement on ODA; completing the external relation procedures related to the mandate to negotiate, the mandate to sign, notifying the approval and ratification of the already concluded ODA international agreements.
3. Notifying the concerned Vietnamese agencies of the effective time and conditions of the already concluded ODA international agreements.
4. Conducting, coordinating with Ministry of Planning and Investment in directing Vietnam's diplomatic entities in foreign countries to carry out the ODA mobilization in accordance with the strategy and plan for attraction and use of ODA in each period of development.

Article 42. The Ministry of Justice exercises the following tasks:

Commenting on legislative issues in draft of ODA international agreement before submitting to Prime Minister for approval.

2. Appraising and commenting on the different issues between ODA international agreement and state law according to decree of agency in charge of negotiation; to monitor the process of solving these issues during the implementation of ODA international agreement.
3. Providing legislative opinion relating to ODA international agreements or other legislative matters according to proposal of the agency in charge of negotiation.
4. Implementing Decree No.103/1998/ND-CP on December 26, 1999 of the Government.

Article 43. The Government Office exercises the following tasks:

1. Assisting Government and Prime Minister in guiding, instructing and managing uniformly the State management of ODA.
2. Commenting on content during provision process of ODA project, program; appraising and proposing on policy, mechanism, organizing and implementing method of ODA project, program before submitting to Government, Prime Minister for decision.
3. Assisting Government and Prime Minister on supervising and speeding up the implementation of this Regulation.

Article 44. Other Ministries, agencies and provincial People's Committees exercise the following tasks:

1. The Ministries, the ministerial-level agencies, the agencies attached to the Government implement the state managing functions on ODA project, program based on in-charged functions and responsibilities. To be in charge in overseeing and commenting in written document on issues relating to ODA project, program when required within regulated time.
2. Responsibilities of the People's Committees of provinces and cities directly under the Central Government:
 - a) Coordinating with the Ministry of Planning and Investment and other relevant agencies in building ODA attracting and using strategy and scheme; building coordinating methods and policies and improving effect of using ODA on province, city's location.
 - b) Implementing State management functions by region to ODA project, program on province, city's location, including projects, programs that other ministries, branches, provinces or cities are in charge.

Article 45. In-charged agency exercises the following tasks:

1. Implementing functions and responsibilities regulated in this Regulation.
2. Pointing a direct attached agency to consult for leader and act as clue-agency who generally manages ODA project, program in local field, branch or region; defining functions, responsibilities of the clue-agency and informing the State management agencies of ODA.
3. Instructing, speeding up, assisting directly attached units to define, prepare, manage and implement effectively ODA project, program.
4. Fully and timely arranging provision fund for ODA project, program and counter-fund for implementing provision and implementation of signed ODA project, program that are in charge of approval.
5. Building and finalizing supervising and evaluating system of ODA project, program in local branch or region; timely solving the obstacles and difficulties of ODA project, program according to authority; fully implementing reporting regime regulated in article 35 of this Regulation.

Chapter VIII
FINAL ARTICLE

Article 46. Regulation for agencies attached to the National Assembly, the Supreme People's Court, the Supreme People's Procuracy, politic, socio-political and social organizations who receiving ODA This Regulation is also applied to the agencies attached to National Assembly, the Supreme Peoples Court, the Supreme People's Investigation, politic, socio-political and social organizations who receiving ODA.

ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER

Phan Van Khai
(Signed)