

**MINISTRY OF AGRICULTURE  
AND RURAL DEVELOPMENT**

**THE SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness**

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No.: 85/2003/QĐ-BNN

*Hanoi, September 04<sup>th</sup> 2003*

**DECISION OF THE MINISTER OF AGRICULTURE AND  
RURAL DEVELOPMENT**

**Functions, tasks, authorities and organizational structure of  
the Legislation Department**

**THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT**

- Based on the Government Decree No. 86/2003/ND-CP dated July 18<sup>th</sup> 2003, defining functions, tasks, authorities and organizational structure of the Ministry of Agriculture and Rural Development (MARD);
- Based on the Article 16 of the Government Decree No. 86/2002/ND-CP dated November 05<sup>th</sup> 2002, defining functions, tasks, authorities and organizational structure of Ministries and ministerial-level agencies;
- In consideration of the proposal by the Director of the Organization and Personnel Department.

**DECIDES:**

**Article 1. Position and functions**

The Legislation Department is a general management agency of the Minister of Agriculture and Rural Development to perform State management functions of the agriculture and rural development sector over legislation field for the sector countrywide under the law.

**Article 2. Tasks**

The Legislation Department is assigned by the Minister to perform general management tasks on legislation; organize the law making; appraise, review and systemize legal normative documents and procedures; monitor the issuance of legal normative documents; conduct the law education and dissemination; monitor the implementation of legal normative documents within the State management scope of the Ministry as follows:

1. Law making

- a) Formulate long-term and annual law making strategies, programs and plans of the sector and international legal integration strategies and submit to the Minister for approval and be responsible for implementation arrangements after approval.

- b) Take the lead or take part in drafting legal normative documents, policies assigned by the Minister
- c) Appraise draft legal documents and policies prepared by agencies and units under the Ministry before submission to the Minister or other authorized agencies for approval and issuance.
- d) Take the lead or work in cooperation with other concerned agencies to prepare documents concerning draft legal documents for submission by the Minister to agencies for comments, to the Ministry of Justice for appraisal and to the Government and the Prime Minister for approval.
- e) Take the lead or work in cooperation with other concerned agencies to assist the Minister to comment on mechanisms, policies and legal normative documents drafted by the Office of the National Assembly, the Office of the Government, Ministries and local authorities.

2. Reviewing and systemizing legal normative documents and policies:

- a) Take the lead and cooperate with other concerned agencies and units under the Ministry (*called for short as units*) to organize the review and systemization of legal normative documents concerning the sector operation; submit solutions to the Minister for decision.
- b) Take the lead in research works and **propose the submission** to the Minister:
  - Propose to the Minister, Heads of ministerial-level agencies to suspend the enforcement of or abrogate regulations issued by these agencies, which are against other legal normative documents of the State and of the Ministry on the agriculture and rural development sector;
  - Propose to the Prime Minister to suspend the enforcement of Resolutions issued by People's Councils of provinces and centrally-run cities, which are against other legal normative documents of the State and of the Ministry on the agriculture and rural development sector;
  - Suspend the enforcement of, propose to the Prime Minister to abrogate regulations issued by Provincial People's Committee and President of Provincial People's Committee and centrally-administered cities, which are against other legal normative documents of the State and of the Ministry on the agriculture and rural development sector.
- c) Take the lead and cooperate with concerned agencies and units to periodically submit to the Minister for issuance of Decisions to declare the **expired enforcement** of legal normative documents concerning management fields of the Ministry.

3. Carry out policy, law education and dissemination; inspect the implementation of legal normative documents:

- a. Carry out policy, law education and dissemination for the sector; cooperate with authorized agencies to publish documents and legal normative documents of the agriculture and rural development sector.
- b. Monitor, inspect, urge and summarize the implementation of policies and laws of the sector;
- c. Participate in the settlement and propose solutions for settlement of policy and law violations in the agriculture and rural development sector.

4. Give guidance, monitor and inspect legal works of State management agencies, which specialize in the agriculture and rural development at provinces and centrally-administered cities and other agencies operating in the agriculture and rural development sector.
5. Participate in appraisal of projects, international treaties and proposals for establishment, reorganization and disintegration of units under the Ministry.
6. Participate in the Appraisal and Taking-over Commission of programmes, proposals, basic investigation projects, planning projects and development investment projects in the field of agriculture, forestry, salt, irrigation and rural development within the Department mandate as assigned by the Minister.
7. Under requirements, giving legal assistance and guidance to organizations and individuals on legal normative documents within the Department mandate and according to the law.
8. Participate in implementation of the public administration reform programme of the Ministry.
9. Carry out other tasks assigned by the Minister.

### **Article 3. Organizational structure**

#### 1. Leadership:

The Department leadership consists of the Director and his/her Deputies who are appointed by the Minister of the Ministry of Agriculture and Rural Development under the law.

The Director is responsible for managing the operation of the Department and responsible to the Minister and under the law for the operation of the Department and the assigned tasks.

The Deputy Directors, as assistants to the Director, are assigned by the Director with specific tasks and responsible to the Director and under the law for the assigned tasks. The number of Deputy Directors shall not exceed 3; exceptions will be reported to the Minister for approval.

2. Civil servants and employees of the Department will be responsible to the Director and under the law on realization of the assigned tasks; will have responsibilities and rights as stipulated by the law.

The Director is responsible for drafting Working Regulation of the Department, submitting it to the Minister for approval, following implementation and for civil servant and employee arrangements to suit their titles, standards and assigned tasks.

### **Article 4. Enforcement**

This Decision will come into effect 15 days after being published on the Government Official Gazette, and will substitute the Decision No. 3011 NN-TCCB/QD dated November 20<sup>th</sup> 1997 by the Minister of Agriculture and Rural Development on establishment of the Legal Division under the Office of the Ministry and other previously issued decisions of the Ministry which are against this Decision.

### **Article 5. Enforcement responsibility**

The Director of the Office of the Ministry is responsible for transfer of functions and tasks of the Legal Division to the Director of Legislation.

The Director of Legislation, Director of the Office of the Ministry, Director of the Organization and Personnel, and heads of other concerned agencies and units under the Ministry are responsible for the implementation of this Decision./.

**MINISTER OF AGRICULTURE AND  
RURAL DEVELOPMENT**

***To Whom It May Concern:***

- *As mentioned in Article 5;*
- *Ministry of Home Affairs;*
- *Ministry of Justice;*
- *The Office of the Government;*
- *The Government Official Gazette;*
- *Archived at the Office of the Ministry,  
Organization and Personnel Department*

**Le Huy Ngo**