

**THE GOVERNMENT**

-----

No. 73/2012/ND-CP

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

-----

Hanoi, September 26, 2012

**DECREE**

**ON THE FOREIGN COOPERATION AND INVESTMENT IN EDUCATION**

*Pursuant to the Law on Government organization dated December 25, 2001;*

*Pursuant to the Law on Education dated June 14, 2005; and the Law on amending and supplementing a number of articles of the Law on Education dated November 25, 2009;*

*Pursuant to the Law on Investment dated November 29, 2005;*

*Pursuant to the Law on Enterprise dated November 29, 2005, amended and supplemented in 2009;*

*Pursuant to the Law on Vocational training dated November 29, 2006;*

*At the proposal of the Minister of Education and Training and Minister of Labor, War Invalids and Social Affairs;*

*The Government promulgates a Decree on the foreign cooperation and investment in education,*

**Chapter 1.**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation and subjects of application**

1. This Decree prescribes the foreign cooperation and investment in education and educational training, including educational association, foreign-capitalized educational institutions, representative offices of foreign education in Vietnam.
2. This Decree is applicable to Vietnamese organizations and individuals, international organizations, and foreign organizations and individuals engaged in cooperation and investment in education and vocational training.

**Article 2. Interpretation of terms**

The terms in this Decree is construed as follows:

1. Educational association is a cooperation between a Vietnamese educational institution and a foreign educational institution in running a training program to issue qualifications or certificates without establishing a legal entity.
2. Educational institutions include preschool education institutions, compulsory education institutions, vocational education institutions, higher education institutions, and continuing education institutions.
3. Vocational education institutions include vocational training centers, vocational intermediate schools, and vocational colleges.
4. Vocational training institutions include vocational training centers, vocational intermediate schools, and vocational colleges.
5. Higher education institutions include universities and colleges.
6. Short-term training institutions are institutions that provide training in foreign languages, IT, cultures, specialized skills...
7. Foreign-capitalized educational institutions include 100% foreign-capitalized educational institutions, educational institutions in a joint venture between a domestic investor and a foreign investor.

8. A campus is an affiliated unit of a foreign-capitalized educational institutions in Vietnam, assigned to carry out all or part of the functions and duties of the educational institution, including authorized representation.

9. A representative office in Vietnam of a foreign education institution (hereinafter referred to as representative office of foreign education) is an affiliated unit of the foreign education institution, established and operated in Vietnam for the purpose of accelerating and developing the cooperation and investment in education as prescribed by Vietnam's laws.

10. A valid dossier is a dossier that sufficiently contain sufficient papers that are completely declared as prescribed in this Decree.

11. Dividing an educational institution is when an educational institution is divided into two new educational institutions or more. After dividing, the divided educational institution no longer exists, the civil rights and obligations of the divided educational institution shall be transferred to the new educational institutions according to the decision on dividing the educational institution, in conformity with the purpose of the new educational institutions.

12. Splitting an educational institution is when part of an educational institution is split and form a new educational institution or more. After splitting, the split educational institution and the new educational institutions shall exercise their civil rights and take on their obligations according to the decision on splitting the educational institution, in conformity with their purposes.

13. Merging a educational institution is when an educational institution is merged (hereinafter referred to as a transferor educational institution) into another educational institution (hereinafter referred to as a transferee educational institution) After merging, the merged educational institution no longer exists, the civil rights and obligations of the merged educational institution shall be transferred to the merging educational institution.

14. Consolidating an educational institution is when two or some educational institutions of the same kind is combined into a new educational institution. After consolidating, the old educational institutions no longer exist, the civil rights and obligations of the old educational institution shall be transferred to the new one.

### **Article 3. The disciplines allowed to cooperate and invest in**

1. Foreign organizations and individuals, international organizations (hereinafter referred to as foreign organizations and individuals) are allowed to cooperate and invest in education and vocational training as prescribed by Vietnam's law and the International Agreements to which Vietnam is a signatory.

2. Depending on the requirements for socio-economic development of the country, the Minister of Education and Training and Minister of Labor, War Invalids and Social Affairs shall compile a list of disciplines in which foreign organizations and individuals may cooperate and invest.

### **Article 4. Education quality assessment**

1. During the operation, educational institutions engaged in educational association and foreign-capitalized educational institutions in Vietnam must:

a) Bear responsibility for the education quality; periodically carry out internal inspection and quality enhancement by Vietnam's or foreign standards.

b) Periodically apply for quality assessment as prescribed by the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs.

2. Organizations competent to assess the quality of the educational association program and foreign-capitalized educational institutions in Vietnam are Vietnam's education quality assessment organizations or foreign education quality assessment organizations accredited by the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs.

3. The Minister of Education and Training and Minister of Labor, War Invalids and Social Affairs shall specify the criteria, procedures, and period of education quality assessment, as well as the tasks,

responsibilities, and authority of Vietnam's education quality assessment organizations applicable to the quality assessment of educational association programs and foreign-capitalized educational institutions in Vietnam.

#### **Article 5. Finance for foreign cooperation and investment**

1. Educational institutions engaged in educational association with foreign partners, foreign-capitalized educational institutions, and representative offices of foreign education must comply with current Vietnam's law provisions on finance, accounting, audit, and taxation.

2. The Ministry of Education and Training, the Ministry of Labor, War Invalids and Social Affairs, and the Ministry of Finance must guide the provisions on finance, accounting, audit, and taxation applicable to foreign cooperation and investment in education and vocational training.

### **Chapter 2.**

## **EDUCATIONAL ASSOCIATION**

### **SECTION 1. FORMS, SUBJECTS, RANGE, AND PERIODS OF EDUCATIONAL ASSOCIATION, QUALIFICATIONS AND CERTIFICATES**

#### **Article 6. Permissible forms of educational association**

Directly running a foreign program or a program formulated by both parties; running the entire program in Vietnam, or part of it in Vietnam and the rest overseas; issuing Vietnam's or foreign qualifications and certificates depending on each party's regulation.

#### **Article 7. Subjects and range of educational association**

1. Subjects of educational association:

- a) Vocational education institutions and higher education institutions lawfully established and operated in Vietnam;
- b) Vocational education institutions and higher education institutions lawfully established and operated overseas, of which the quality is certified by foreign quality assessment organizations or competent agencies, and accredited by competent agencies of Vietnam.

2. Range of educational association:

- a) The educational institutions prescribed in Point a Clause 1 this Article may only participate in educational association within the discipline and training level allowed by Vietnam's competent agencies;
- b) The educational institution prescribed in Point b Clause 1 this Article may only participate in educational association within the discipline and training level allowed and accredited by Vietnam's competent agencies.

#### **Article 8. Examinations, assessment, graduation, and issuance of qualifications and certificates**

1. The examinations, assessment, and certification of completion of subjects, modules, programs, grades, and graduation must comply with Vietnam's law when issuing Vietnam's qualifications and certificates, and must comply with foreign law when issuing foreign qualifications and certificates.

2. A diploma of a educational association program is specified as follows:

- a) A diploma issued by a foreign educational institution must comply with that country's law and accredited by Vietnam's competent agencies;
- b) A diploma issued by a Vietnamese educational institution must comply with Vietnam's law.

#### **Article 9. Operation period**

The period of an educational association program must not exceed 5 years as from the date of approval, and may be extended. Each extension must not exceed 5 years.

## **SECTION 2. CONDITIONS FOR EDUCATIONAL ASSOCIATION**

### **Article 10. The teaching staff**

#### 1. Vocational education:

a) For primary vocational educational association, the teachers teaching theory must possess an intermediate vocational diploma or the equivalent, the teachers teaching practice must possess an intermediate vocational diploma or the equivalent, or be artists, skilled workers that possess a certificate of pedagogic skills or the equivalent.

b) For intermediate vocational educational association (vocational intermediate schools) and vocational educational association at college level, the teachers teaching theory must possess a Bachelor's degree in pedagogy, or a Bachelor's degree in technical pedagogy, or a Bachelor's degree in the discipline being taught and a certificate of pedagogic skills or the equivalent, the teachers teaching practice must possess an vocational college degree or the equivalent, or be artists, skilled workers that possess a certificate of pedagogic skills or the equivalent.

#### 2. Higher education:

a) For educational association at college level, the lecturer must possess at least a Bachelor's degree in the discipline being taught;

b) For educational association at university level, the lecturer must possess at least a master's degree in the discipline being taught;

c) For educational association at master's level, the lecturer that teaches, guides master's theses, and participates in the Master's Thesis Assessment Council must possess at least a doctorate; the lecturer that guides the practice, internship and teach foreign languages must possess at least a master's degree;

d) For educational association at doctorate level, the lecturer must possess at least a doctorate in a discipline suitable for the assigned subject in the doctorate course;

3. The foreign teachers and lecturers teaching educational association programs must have at least 5 years of experience in the disciplines being taught.

4. The teachers and lecturers teaching in foreign languages in educational association programs must satisfy the requirements for foreign languages of the programs, but must not lower than C1 level in the Common European Framework of Reference for Languages (CEFR) or equivalent.

### **Article 11. Facilities and equipment**

1. The facilities and equipment used in educational association must suit the requirements of the disciplines being taught without affecting the general education of the Vietnamese educational institution, including: classrooms, teachers' rooms, computer labs, practice rooms, laboratories, libraries, and other necessary equipment. The minimum average area for teaching is 5 m<sup>2</sup> per student.

2. The educational institutions participating in educational association must provide textbooks and teaching materials serving the study of undergraduate students and graduate students.

### **Article 12. Teaching program, scale, and languages**

1. The foreign training program provided in Vietnam must be a program of which the quality has been accredited overseas, or the program of a educational institution accredited by foreign quality assessment organizations or foreign competent agencies.

2. The training scale of an association is based on the quality assurance conditions of the program: facilities, equipment, laboratories, teaching staff, and managers. Such conditions must be different from the conditions used for calculating the enrolment target of the educational institution. The Vietnamese educational institution and vocational education institution must specify the scale in the Scheme for educational association and submit it to competent authorities prescribed in Article 16 of this Decree for approval.

3. The subjects in educational association designed to issue foreign qualifications must be taught in foreign languages, not in Vietnamese nor through a translator. The educational association programs that designed to issue Vietnam's qualifications and certificates may be taught through a translator.

### **Article 13. Subjects of enrolment**

The subjects enrolling in educational association programs must satisfy the following conditions:

1. Complying with Vietnam's law on the conditions for enrolling students at intermediate, college, university, master's and doctorate level, applicable to qualifications issued by Vietnamese educational institutions.
2. Complying with provisions of foreign educational institutions, on the conditions for enrolling students at intermediate, college, university, master's and doctorate level of the foreign educational institution, applicable to qualifications issued by foreign educational institutions. Such conditions must match the enrolment conditions of the foreign educational institution in its country, and approved by the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs.
3. For qualifications issued by both the Vietnamese educational institution and the foreign educational institution, the subjects of enrolment must comply with Clause 1 and 2 this Article.
4. Foreign language skills:
  - a) For educational association at the university, master's and doctorate level, the subjects of enrolment must reach the B2 level in the Common European Framework of Reference for Languages or equivalent;
  - b) For educational association at the intermediate and college level, the subjects of enrolment must reach the B1 level in the Common European Framework of Reference for Languages or equivalent.
5. Depending on the demand from students, the associated educational institutions may provide courses in foreign languages to help their students reach the levels prescribed in Clause 4 this Article before starting the official program.

## **SECTION 3. PROCEDURES AND AUTHORITY TO APPROVE, EXTEND, AND TERMINATE EDUCATIONAL ASSOCIATION**

### **Article 14. Educational association dossier**

1. The application for approving Scheme for educational association with foreign partners, signed by both parties.
2. The association agreement (contract) between the parties.
3. The papers proving the legal status of both parties: The authenticated copy of the decision on establishing or approving the establishment of the educational institution, or the equivalent.
4. The papers proving that the Vietnamese educational institution and the foreign educational institution are allowed to provide training in the discipline associated.
5. The quality assessment certificate of the foreign training program or the foreign educational institution, or papers proving the quality from competent agencies.
6. The written approval for the educational association with foreign partners from the agencies in charge, applicable to Vietnamese educational institution affiliated to the agencies in charge.
7. The Scheme from educational association formulated and signed by both parties, including the following contents: the necessity, the objectives of the educational association program; the discipline and level of training; the facilities and equipment; the teaching contents and program, the list of teachers and lectures, enclosed with their résumés; the subjects of enrolment and for enrolment criteria; the training scale, the forms of examinations and assessment, the qualifications and certificates being issued, the equivalence between the foreign qualifications and Vietnam's qualifications; the measures for assuring quality and risk management; the persons in charge of the association program, the résumés of the representatives of the Vietnamese educational institution

and the foreign educational institution participating in managing the program; the tuition rates and financial support from Vietnam's and foreign organizations and individuals (if any), the budget estimates, the financial management mechanism; responsibilities and entitlements of both parties, responsibilities and entitlements of teachers and students.

**Article 15. Procedures for approval**

1. The associating parties must make 06 dossiers, including 01 original dossier, and submit them to:
  - a) The Service of Education and Training, applicable to dossiers on vocational education association at intermediate level;
  - b) The Service of Labor, War Invalids and Social Affairs, applicable for dossiers on vocational training association at intermediate level;
  - c) The Ministry of Labor, War Invalids and Social Affairs, applicable for dossiers on vocational training association at college level;
  - d) The Ministry of Education and Training, applicable to dossiers on educational association at college, university, master's and doctorate level prescribed in Point d Clause 2 Article 16 of this Decree;
  - d) Vietnam National University, University of Thai Nguyen, University of Hue, University of Da Nang, applicable to dossiers on educational association at college, university, master's and doctorate level prescribed in Point d Clause 2 Article 16 of this Decree.
2. Within 05 working days as from receiving the dossier, the receiving agency must check the validity of the dossier. If the dossier is not valid, the receiving agency tax codes notify the associating parties in writing for supplementation.
3. Within 30 working days as from receiving the valid dossier, the receiving agency must carry out the assessment, make and submit reports to the competent authorities prescribed in Article 16 of this Decree for decision.
4. Within 05 working days as from receiving the valid dossier, the receiving agency must carry out the assessment, make and submit reports to the competent authorities prescribed in Article 16 of this Decree for decision.
5. If the Scheme for educational association is not approved, within 05 working days as from receiving the opinions from competent authorities, the receiving agency must reply in writing and specify the reasons.

**Article 16. Authority to make approval**

1. The Principal (Director) of the vocational education institution or higher education institutions of Vietnam shall approve the Scheme for educational association designed to issue foreign certificates (except for certificates of foreign language skills).
2. The authority to approve Schemes for educational association designed to issue qualifications is specified as follows:
  - a) The Directors of Services of Education and Training shall approve the Schemes for educational association at intermediate level;
  - b) The Directors of Services of Labor, War Invalids and Social Affairs shall approve the Schemes for vocational training association at intermediate level;
  - c) The Minister of Labor, War Invalids and Social Affairs shall approve the Schemes for vocational training association at college level;
  - d) The Minister of Education and Training shall approve the Schemes for educational association at college, university, master's and doctorate level, except for the cases prescribed in Point dd Clause 2 of this Decree;

dd) The Directors of Vietnam National University, University of Thai Nguyen, University of Hue, University of Da Nang shall approve the Schemes for educational association at college, university, master's and doctorate that they participate in.

3. The Minister of Education and Training and Minister of Labor, War Invalids and Social Affairs must distribute the authority to approve Schemes for educational association to capable universities, colleges, and vocational colleges in accordance with this Decree.

#### **Article 17. Extending Schemes for educational association**

1. The procedures for extending a Scheme for educational association must be done 06 months before the educational association period expires.

2. Conditions for extension:

a) Complying with the Decision on approving the Scheme for educational association, without violating Vietnam's and foreign law;

b) The training program or the foreign educational institution satisfies the conditions of education quality assessment prescribed in Clause 1 Article 12 of this Decree.

3. The application for extension:

a) The application for extension signed by both parties;

b) The summary report on the educational association during the licensed period;

c) The unexpired association agreement (contract) between the parties;

d) The proposals of adjustments in the Decision on approving the Scheme for educational association, and the explanation.

4. Procedures and authority to grant extension:

a) Submitting the application for extension to a receiving agency prescribed in Clause 1 Article 15 of this Decree;

b) Within 10 working days as from receiving the valid dossier, the receiving agency must carry out the assessment, make and submit reports to the competent authorities prescribed in Article 16 of this Decree for decision.

c) Within 05 working days as from receiving the valid dossier and the draft Decision on extending the Scheme for educational association, the agencies competent to approve the Scheme must reply;

d) If the Scheme extension is not approved, within ... working days as from receiving the opinions from competent authorities, the receiving agency must reply in writing and specify the reasons.

#### **Article 18. Suspending enrolment and terminating educational association**

1. The enrolment of an educational association shall be suspended in the following cases:

a) Failing to satisfy the association conditions prescribed in Article 10, 11, 12, 13 of this Decree, that affect the education quality;

b) Violating the Decision on approving or extending the Scheme for educational association to a degree that the enrolment must be suspended as prescribed by law.

2. An educational association program shall be terminated in the following cases:

a) The period stated in the Decision on approving or extending the Scheme for educational association expires;

b) At the request of associating parties;

c) The period of enrolment suspension has expired but the its cause is not rectified;

d) Violating the Decision on approving or extending the Scheme for educational association to a degree that the program must be terminated as prescribed by law.

### **Article 19. Responsibility of associating parties**

1. Implementing the Decision on approving or extending the Scheme for educational association.
2. Providing sufficient and clear information related to the educational association program on the website of the associating institution, and bear responsibility for the accuracy of such information.
3. Bearing responsibility for the legitimacy of the qualifications and certificates being issued to students.
4. Ensuring the lawful interests of students, officers, lecturers, teachers, and other employees if the educational association is terminated ahead of time. In particular:
  - a) Transfer the enrolled students and graduate students to another training institution as prescribed;
  - b) Refund the tuition to students in case the provided training program and qualifications are not accredited by the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs;
  - c) Paying wages to and providing other benefits for teachers, lecturers, and employees in accordance with the concluded labor contracts or the collective labor agreement;
  - d) Paying off the tax debts (if any) and other debts.
5. Following the reporting regime:

- a) For educational association designed to issue qualifications:

The parties participating in the educational association must report the progress of educational association to competent authorities that approved the Scheme for educational association with foreign partners, and to the agency in charge if the educational institution is affiliated to the agency in charge.

The Vietnam National University, University of Thai Nguyen, University of Hue, and University of Da Nang must report their educational association to the Ministry of Education and Training.

- The report must be made after each school year, including the implementation of the Decision on approving or extending the Scheme for educational association, the organization of teaching and learning, the academic results of students and graduate students, the enrolment target, the number of graduated students, the graduation ratio, the issued qualifications, the Financial statements, the difficulties and advantages during the implementation, the suggestions and proposals.

- b) For educational association designed to issue certificates:

Higher education institutions shall send reports to the Ministry of Education and Training.

Vocational education institutions shall send reports to Services of Education and Training or Services of Labor, War Invalids and Social Affairs.

Services of Education and Training and Services of Labor, War Invalids and Social Affairs shall send reports to the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs.

The reports must be made every 06 months, including the following contents: the subjects of association, the teaching program and contents, the issued certificates, the number of students, responsibilities and entitlements of students, teachers, lecturers, and other employees, the Financial statements, the difficulties and advantages during the implementation, suggestions and proposals.

6. Complying with relevant Vietnam's law provisions.

### **Chapter 3.**

## **FOREIGN-CAPITALIZED EDUCATIONAL INSTITUTIONS**

### **SSECTION 1. GENERAL PROVISIONS**

#### **Article 20. Forms of foreign investment in education**

1. Foreign investors may directly invest in establishing educational institutions as prescribed in Article 21 of this Decree in the following forms:

- a) 100% foreign-capitalized educational institutions;
- b) Associated educational institutions between domestic investors and foreign investors.

2. Foreign-capitalized educational institutions are Vietnam's legal entities as from the date of issue of the Decision on approving the establishment and operation as prescribed by Vietnam's law.

#### **Article 21. Permissible forms of foreign-capitalized educational institutions**

- 1. Short-term training institutions.
- 2. Preschool education institutions following foreign educational programs for foreign children.
- 3. Compulsory education institutions (elementary schools, middle schools, high schools, and mixed compulsory education institution) following foreign educational programs, issuing foreign qualifications, for foreign students and part of Vietnamese students.
- 4. Vocational education institution.
- 5. Higher education institutions.

#### **Article 22. Naming foreign-capitalized educational institutions**

1. Foreign-capitalized educational institutions established in forms of schools or centers must be named as follows:

- a) For schools, the name must follow this order: kind of school, grade or level, and proper name;
- b) For short-term training institutions, the name must follow this order: education/training center, primary disciplines, and proper name;
- c) For vocational training centers, the name must follow this order: vocational training center, primary disciplines or professions, and proper name;
- d) For campuses of foreign-capitalized educational institutions in Vietnam, the name must follow this order: Campus of, name of the educational institution, name of the city/province of Vietnam.

2. The name of the foreign-capitalized educational institution must not coincide or cause confusion with the name of a registered educational institution or the name of an enterprise that execute the investment project; must not use the words and symbols that contradicts the tradition, history, culture, ethics, and customs of Vietnam.

3. A foreign-capitalized educational institution must be named in Vietnamese and English (or in another common foreign language).

4. The Minister of Education and Training and Minister of Labor, War Invalids and Social Affairs shall consider and make decisions on naming a number of particular educational institutions.

#### **Article 23. Qualifications and certificates**

1. Foreign-capitalized educational institutions are entitled to issue or request the issuance of:

a) Qualifications and certificates in the national education system of Vietnam and in accordance with Vietnam's law;

a) A diploma issued by a foreign educational institution must comply with that country's law and accredited by Vietnam's competent agencies;

2. Foreign education institutions must register for the nationwide accreditation of their diplomas with the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs.

#### **Article 24. Enrolling Vietnamese students**

1. The compulsory education institutions prescribed in Clause 3 Article 21 of this Decree may enrol Vietnamese students, but the number of Vietnamese students in primary schools and middle schools

must not exceed 10% of the total number of students, and that in high schools must not exceed 20% of the total number of students.

2. Vietnamese students under 05 years old shall not be accepted to learn foreign programs.

#### **Article 25. Operation period**

The operation period of foreign-capitalized educational institutions must not exceed 50 years as from the date of approval. If necessary, the Government may make decisions on a longer period, but such period must not exceed 70 years.

#### **Article 26. Procedures for approving the establishment**

1. The approval for establishing an educational institution prescribed in Article 21 of this Decree (except for the cases prescribed in Clause 2 this Article) is made under the following procedures:

- a) Issue the Investment certificate;
- b) Approve the establishment of the educational institution;
- c) Issue the License to provide education.

2. The permission for foreign diplomatic missions, inter-government international organizations to establish educational institution prescribed in Clause 2 and 3 Article 21 of this Decree must comply with Point b and c Clause 1 this Article.

3. The approval for establishing campuses in other provinces or cities than that where the head office is situated is made under the following procedures:

- a) Issue the Investment certificate enclosed with the application for establishing campuses of educational institution;
- b) Make decisions on approving the establishment of the campus of the educational institution;
- c) Issue the operation license to the campus of the educational institution.

4. The approval for establishing a campus of the educational institution in the same province or city is made under the following procedures:

- a) Adjust the issued Investment certificate;
- b) Approve the establishment of the campus of the educational institution;
- c) Issue the operation license to the campus of the educational institution.

#### **Article 27. Rights and obligations of foreign-capitalized educational institutions**

1. Have the lawful rights and interests prescribed by Vietnam's law and the International Agreements to which the Socialist Republic of Vietnam is a signatory protected.

2. Comply with the territorial administrative management from provincial People's Committees, and the State management as prescribed by law.

3. Publicly fulfilling the commitment on the education quality, the conditions for assuring the education quality, and financial receipts and expenses. Pay compensation to student if the training program quality is not consistent with the commitment.

4. Ensure the lawful interests of students, officers, lecturers, teachers, and other employees if the operation is terminated ahead of time.

5. Facilitate the operation of political organizations and socio-political organizations in foreign-capitalized educational institutions, which are established and operated under Vietnam's law.

6. Report the comprehensive development of the institution to the State management agencies in charge of education and vocational training, and provide explanation at the request from the State management agencies.

7. Other rights and obligations prescribed by Vietnam's law.

## **SECTION 2. CONDITIONS**

### **Article 28. Capital**

1. The projects of investment in establishing preschool education institutions must reach at least 30 million VND per kid (not including the expense on land tenancy). The total minimum capital is calculated when the estimated education scale is greatest. The capital plan must suit the estimated scale of each stage.
2. The projects of investment in establishing compulsory education institutions must reach at least 50 million VND per student (not including the expense on land tenancy). The total minimum capital is calculated when the estimated education scale is greatest, but must not be lower than 50 billion VND.
3. The projects of investment in establishing short-term training institutions must reach at least 20 million VND per student (not including the expense on land tenancy). The total minimum capital is calculated based on the total quantity of students when the estimated education scale is greatest.
4. The projects of investment in establishing vocational training centers must reach at least 60 million VND per student (not including the expense on land tenancy). The total minimum capital is calculated based on the quantity of students when the estimated education scale is greatest.
5. The projects of investment in establishing vocational education institutions (except for vocational training centers) must reach at least 100 million VND per student (not including the expense on land tenancy). The total minimum capital is calculated when the estimated education scale is greatest, but must not be lower than 100 billion VND.
6. The projects of investment in establishing higher education institutions must reach at least 150 million VND per student (not including the expense on land tenancy). The total minimum capital is calculated when the estimated education scale is greatest, but must not be lower than 300 billion VND.
7. The lowest investment in establishing a campus of a foreign-capitalized educational institution in Vietnam must equal the corresponding investment in establishing the educational institutions prescribed in Clause 3, 4, 5 and 6 this Article.
8. For foreign-capitalized educational institutions of which the facilities are leased or contributed by the Vietnamese party, investment must reach at least 70% of the investment prescribed in Clause 1, 2, 3, 4, 5, and 6 this Article.

### **Article 29. Facilities and equipment**

1. For short-term training institutions and vocational training centers:
  - a) The light, furniture, and teaching equipment in classrooms must be appropriate;
  - b) The minimum average area for teaching must be 2.5 m<sup>2</sup> per students for short-term training institutions, and 4 m<sup>2</sup> per student for vocational training centers;
  - c) Have offices for the Board of Directors, teachers, libraries, and other functional rooms;
  - d) Have necessary equipment serving the teaching and management.
2. For preschool education institutions:
  - a) The school must be situated in a good environment. The area must be calculated based on the quantity of classes and kids: at least 6 – 8 m<sup>2</sup> per kid, applicable to urban areas; 10—12 m<sup>2</sup> per kid, applicable to rural areas;
  - b) The area, light, furniture, and equipment in classrooms, bedrooms, and functional rooms must be appropriate;
  - c) The offices, the infirmary, the security room, and staff's rooms must be suitable regarding the area and equipment serving the management, care for, education of children;

d) The water supply and drainage system, bathroom, and sanitation must be safe, clean, and suitable for the school operation;

dd) The kitchen (if any) must be organized based on the one-direction process using the suitable equipment that ensure food safety and hygiene.

e) Have the playground, surrounding walls, and a gate specifying its name as prescribed in Article 22 of this Decree;

g) There are trees in the schools area. All the constructions, equipment, and toys of the school must ensure absolute safety for the kids.

3. For compulsory education institutions:

a) The school must be situated in a good environment. The area must be calculated based on the quantity of classes, students, and the regional characteristics: at least 6 m<sup>2</sup> per student, applicable to urban areas; 10 m<sup>2</sup> per student, applicable to rural areas;

b) The minimum average area for teaching is 2.5 m<sup>2</sup> per student;

c) Having offices for the Board of Directors, teachers' room, and conference room;

d) Having specialized classrooms (for middle schools and high schools), libraries, furniture, and teaching materials satisfying the current standards set by the Ministry of Education and Training;

dd) Having a multi-purpose gym, art learning room, computer lab, language learning room; supporting rooms for disabled students, an infirmary, canteen, and siesta rooms (for day-boarding schools);

e) Having the water supply and drainage system suitable for the scale of the educational institution, ensuring the standards set by the Ministry of Education and Training;

g) Having playgrounds, drill grounds, and parking lots that account for at least 30% total area of the school. Having surrounding walls, and a gate specifying its name as prescribed in Article 22 of this Decree.

4. For vocational education institution (except for vocational training centers):

a) The area for building the school must reach at least 25 m<sup>2</sup> per student when the training scale in the school development plan is greatest;

b) The study area must have enough classrooms and conference rooms suitable for the training scale;

c) The office and administrative area must ensure the organizational structure of the academic departments, faculties, and disciplines, the minimum area is 6 m<sup>2</sup> per person, applicable to vocational intermediate schools; and 8 m<sup>2</sup> per person, applicable to vocational colleges;

d) The library, workshop, laboratory... must be suitable for each discipline and profession;

dd) Having the dorms, clubs, canteens, technical and medical constructions, the constructions serving recreation, sports, cultural activities, and sanitation areas serving the managers, teachers, and students;

e) Having teaching machinery and equipment suitable for the scale and level of each profession and discipline.

5. For higher education institutions:

a) The area for building the school must reach at least 25 m<sup>2</sup> per student when the training scale in the school development plan is greatest;

b) The minimum average area for the building is 9 m<sup>2</sup> per student, the minimum study area is 6 m<sup>2</sup> per student, the minimum residential area of student is 3 m<sup>2</sup> per student;

c) The quantity of classrooms and functional rooms must be suitable and suit the requirements for training according to disciplines, professions, and forms of training;

d) Having enough offices, administrative area that suit the organizational structure of the academic departments, faculties, and disciplines. The minimum area is 8 m<sup>2</sup> per person;

dd) The conference room, library, test lab, workshop, and other facilities must satisfy the requirements of the training program and science and technology activities;

dd) Having canteens and constructions serving the recreation, sports, cultural activities, and the services, medical constructions serving the managers, lecturers, and students;

g) The technical construction area include: water pumping station, transformer, repair workshop, warehouse, and parking lot.

6. Building and leasing facilities:

a) A foreign-capitalized educational institution that applies for 20 years of operation or more in Vietnam must make a plan on building their facilities, and the land transfer or lease must be approved by a provincial People's Committee. Within 5 years in the beginning, they must have contracts or agreements on leasing facilities to deploy the teaching and training. The investment in building facilities must be consistent with the progress of the project;

b) A foreign-capitalized educational institution that applies for less than 20 years of operation may not build their own facilities, but they must have contracts or agreements on leasing schools, classrooms, workshops, and the ancillary areas for at least 5 years.

### **Article 30. Education program**

1. The education program applied in a foreign-capitalized educational institution must demonstrate the educational target, without damaging the national security and public interests; without spreading religion, distorting history; without negatively affect the cultures, ethics, and traditional customs of Vietnam, and must ensure the connection between the levels and grades.

2. A foreign-capitalized educational institution may offer:

a) Vietnam's education programs as prescribed by Vietnam's law;

b) Foreign preschool and compulsory education programs, applicable for the educational institutions prescribed in Clause 2 and 3 Article 21 of this Decree;

c) Foreign short-term training programs, programs at intermediate, college, university, masters, and doctorate level within the educational association programs with foreign partners.

3. The Ministry of Education and Training shall specify the compulsory subjects for students being Vietnamese citizens learning in the educational institutions prescribed in Clause 3 Article 21 of this Decree.

4. The Ministry of Education and Training, Minister of Labor, War Invalids and Social Affairs shall specify the compulsory subjects for students being Vietnamese citizens following the foreign training programs in the higher education institutions, vocational education institutions (except for vocational training centers) invested by foreign partners.

### **Article 31. The teaching staff**

1. For short-term training institutions:

a) The teachers must have college degrees, or the equivalent, in the profession suitable for the subjects that they teach;

b) The maximum ratio of students to teachers is 25 students per teacher.

2. For preschool education institution:

a) The teachers must have college degrees in preschool pedagogy, or the equivalent;

b) The maximum number of kids in a class is specified as follows:

- 03 – 12 months old: 15 kids/class;

- 13 – 24 months old: 20 kids/class;
- 25 – 36 months old: 25 kids/class;
- 3 – 4 years old: 25 kids/class;
- 4 – 5 years old: 30 kids/class;
- 5 – 6 years old: 35 kids/class.

c) The quantity of teachers in a class is specified as follows:

- For kids 03 – 36 months old: 5 kids per teacher;
- For kids 03 – 06 years old: 10 - 12 kids per teacher.

3. For compulsory education institutions:

a) The teachers of elementary schools, middle schools, and high schools must have Bachelor's degrees in pedagogy;

b) The ratio of teachers must be kept at 1.5 teachers per class in elementary school; 1.95 teachers per class in middle schools, and 2.25 teachers per class in high school;

c) The quantity of student must not exceed 30 students per class in elementary schools, 35 students per class in middle schools and high schools;

4. For vocational education institutions:

a) The credentials of teachers must satisfy the conditions in Clause 1 Article 10 of this Decree;

b) The maximum ratio of students to teachers is 25 students per teacher, applicable to social science, economics, and services; 20 students per teacher, applicable to technology disciplines; 15 students per teachers, applicable to arts;

c) The proportion of teachers that hold post-graduate degrees must not be lower than 15% total number of teachers in vocational intermediate schools and vocational colleges;

d) The quantity of permanent teachers must be able to undertake at least 60% of the program of each discipline.

5. For higher education institutions:

a) The credentials of lecturers must satisfy the conditions in Clause 2 Article 10 of this Decree;

b) The maximum ratio of students to teachers is 10 students per teacher, applicable to arts; 15 students per teacher, applicable to science and technology, 25 students per teacher, applicable to social science, humanities, and economics;

c) In colleges, the proportion of lecturers that hold master's degrees and doctorate degrees must not be lower than 60%, among which the proportion of lecturers that hold doctorate degrees must not be lower than 25% of lecturers in the institution;

d) In universities, the proportion of lecturers that hold master's degrees and doctorate degrees must not be lower than 80%, among which the proportion of lecturers that hold doctorate degrees must not be lower than 35% of lecturers in the institution;

dd) The quantity of permanent lecturers must be able to undertake at least 60% of the program of each discipline.

6. The foreign teachers and lecturers teaching in short-term training institutions, preschool education institutions, compulsory education institutions, vocational education institutions, and higher education institutions capitalized by foreign partners must have at least 5 years of experience in the disciplines that they teach.

### **SECTION 3. PROCEDURES FOR ISSUING INVESTMENT CERTIFICATES**

#### **Article 32. Conditions for issuing investment certificates**

1. For projects of investment in establishing educational institutions prescribed in Clause 1 Article 26 of this Decree:

a) Having the project of investment in establishing the educational institution in conformity with the socio-economic development and the educational institution network planning approved by competent State agencies;

b) Having the pre-feasibility study on the establishment of the educational institution as prescribed in Point dd Clause 1 Article 33 of this Decree;

c) Having available land in the locality to give or to lease out, or having the agreement on leasing available facilities in accordance with Clause 6 Article 29 of this Decree;

d) The financial resources is sufficient to execute the project as prescribed in Article 28 of this Decree.

2. For projects of investment in establishing campuses of a educational institution prescribed in Clause 3 and 4 Article 26 of this Decree:

a) The educational institution must be permitted to establish campuses as prescribed in Article 40 of this Decree;

b) The quality of the educational institution has been recognized by Vietnam's or foreign quality assessment organizations or competent agencies;

c) Having available land in the locality to give or to lease out, or having the agreement on leasing available facilities in accordance with Clause 6 Article 29 of this Decree;

b) Having the pre-feasibility study on the establishment of the campus of the educational institution as prescribed in Point e Clause 2 Article 33 of this Decree;

dd) The financial resources is sufficient to execute the project as prescribed in Article 28 of this Decree.

3. For projects of investment in establishing universities, apart from the conditions prescribed in Clause 1 this Article, they must also be approved by the Prime Minister.

### **Article 33. Dossier of application for the investment certificate**

1. For projects of investment in establishing educational institutions prescribed in Clause 1 Article 26 of this Decree:

a) A written application for the investment certificate;

b) A written certification of legal status of the investor: the investor being an organization must submit an authenticated copy of the Establishment Decision or the Certificate of business registration, or the equivalent papers. The investor being an individual must submit an authenticated copy of the passport or ID cards or résumé; the investor being a foreign individual must submit the judicial résumé;

c) The business registration dossier corresponding to each form of economic organizations must comply with law provisions on enterprises and relevant law provisions;

d) The economic – technical explanation, including: the targets, scale, and location of investment; the capital; the project execution schedule; the demand for land, or agreement on leasing available facilities in accordance with Clause 6 Article 29 of this Decree; technological and environmental solutions, application for investment incentives (if any);

dd) The pre-feasibility study on establishing the educational institution, including:

The kind of educational institution being established, the necessity of its establishment; the conformity with the socio-economic development and the educational institution network planning approved by competent State agencies;

The name of the educational institution; the educational targets; the plan for the development and scale of the educational institution in each stage; the designed structure of the managerial mechanism;

The plan for qualifications and certificates, facilities and equipment, education programs, and teaching staff in accordance with Article 23, 29, 30, and 31 of this Decree.

e) The documents proving that the financial capacity of the investor satisfies the conditions prescribed in Article 28 of this Decree.

2. For projects of investment in establishing campuses of a educational institution prescribed in Clause 3 and 4 Article 26 of this Decree:

a) A written application for the investment certificate or adjusting the Investment certificate;

b) An authenticated copy of the Decision on approving the establishment of the educational institution;

c) An authenticated copy of the operation license of the educational institution;

d) The quality assessment certificate of the educational institution that applies for establishing campuses or other written quality certifications from competent agencies;

dd) The economic – technical explanation related to the establishment of the campus, comprising the contents prescribed in Point d Clause 1 this Article;

e) The pre-feasibility study on establishing the campus of the educational institution, including:

The necessary of its establishment;

The name of the campus; its targets; the plan for the development and scale of the campus in each stage; the designed structure of the managerial mechanism;

The plan for the facilities and equipment, education programs, and teaching staff in accordance with Article 29, 30, and 31 of this Decree.

g) The documents proving that financial capacity of the investor satisfies the conditions in Article 28 of this Decree.

3. The written certifications issued to the investor by foreign agencies must be consularly legalized at the Vietnam's Ministry of Foreign Affairs or a diplomatic mission, consular office, or an agency authorized to do consulate works of Vietnam overseas, unless the International Agreements to which the Socialist Republic of Vietnam is a signatory prescribed otherwise.

#### **Article 34. Appraising the conditions for education and vocational training to issue Investment certificates**

1. The appraisal of the conditions for education and vocational training to issue Investment certificates is carried out as follows:

a) The Ministry of Education and Training shall appraise projects of investment in establishing universities, colleges, and their campuses;

b) The Ministry of Labor, War Invalids and Social Affairs shall appraise projects of investment in establishing vocational colleges and their campuses;

c) Services of Education and Training shall appraise projects of investment in establishing short-term training institutions and their campuses; vocational intermediate schools and their campuses; preschool education institutions; and compulsory education institutions;

d) Services of Labor, War Invalids and Social Affairs shall appraise projects of investment in establishing vocational training centers, vocational intermediate schools, and their campuses.

2. If necessary, Services of Education and Training and Services of Labor, War Invalids and Social Affairs must consult the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs for prompt guidance and resolution.

### **Article 35. Procedures and authority to issue investment certificates**

1. The procedures and authority to issue investment certificates must comply with law provisions on investment.
2. Within 03 working days as from the date of issue of the Investment certificate, the agency that receives the project of investment must send the copy of the Investment certificate to:
  - a) The Ministry of Education and Training and the Ministry of Planning and Investment, applicable to the projects of investment in universities, colleges, and their campuses;
  - b) The Ministry of Labor, War Invalids and Social Affairs and the Ministry of Planning and Investment, applicable to the projects of investment in vocational colleges and their campuses;
  - c) Services of Education and Training, applicable to the projects of investment in establishing preschool education institutions, compulsory education institutions, short-term training institutions and their campuses; vocational intermediate schools and their campuses;
  - d) Services of Labor, War Invalids and Social Affairs, applicable to projects of investment in establishing vocational training centers, vocational intermediate schools, and their campuses.

## **SECTION 4. PROCEDURES FOR APPROVING THE ESTABLISHMENT OF EDUCATIONAL INSTITUTIONS**

### **Article 36. Conditions for approving the establishment**

1. For educational institutions prescribed in Clause 1 Article 26 of this Decree:
  - a) Having been issued with the Investment certificate;
  - b) Having the pre-feasibility study on the establishment of the educational institution as prescribed in Point c Clause 1 Article 37 of this Decree;
  - c) If the facilities must be built, it is required to have the documents on giving or leasing land of the provincial People's Committee, enclosed with the project of investment in building facilities, including the explanation and detailed design of the educational institution, and the agreement on leasing available facilities in accordance with Clause 6 Article 29 of this Decree, and relevant legal papers;
  - d) If the facilities is already available, it is required to have the agreement on leasing available facilities in accordance with Clause 6 Article 29 of this Decree, and relevant legal papers;
  - dd) The financial capacity satisfies the conditions in Article 28 of this Decree.
2. For educational institutions prescribed in Clause 2 Article 26 of this Decree:
  - a) Having the pre-feasibility study on the establishment of the educational institution as prescribed in Point c Clause 1 Article 37 of this Decree;
  - b) Having the approval for establishing the educational institution in the locality, and the approval for the principles of giving or leasing land of the provincial People's Committee, where the educational institution is planned to be located, or the agreement on leasing land or available facilities in accordance with Clause 6 Article 29 of this Decree;
  - c) The financial capacity satisfies the conditions in Article 28 of this Decree.

### **Article 37. The dossier of application for the approval for the establishment**

1. For educational institutions prescribed in Clause 1 Article 26 of this Decree, the dossier comprises:
  - a) The written request for the approval for the establishment of the educational institution;
  - b) An authenticated copy of the investment certificate;
  - c) The detailed project of the establishment of the educational institution, specifying:  
Its name, educational targets; qualifications and certificates being issued; the designed structure of the managerial mechanism;

The detailed plan for the development and scale of the educational institution in each period, specifying the fulfillment of the conditions for facilities and equipment, education programs, and teaching staff in accordance with Article 29, 30, and 31 of this Decree.

d) The written agreement on giving or leasing land of the provincial People's Committee, if the facilities must be built (specifying the address, area, and boundary of land), and the agreement on leasing available facilities in accordance with Clause 6 Article 29 of this Decree, and relevant legal papers;

dd) The project of investment in building facilities, including the description and detailed design of the educational institution, if the facilities must be built;

e) The documents proving that the financial capacity satisfies the conditions prescribed in Article 28 of this Decree.

2. For educational institutions prescribed in Clause 2 Article 26 of this Decree, the dossier comprises:

a) The documents prescribed in Point a and c Clause 1 this Article;

b) The written approval for establishing the educational institution in the locality, and the approval for the principles of giving or leasing land of the provincial People's Committee, where the educational institution is planned to be located, or the agreement on leasing land or available facilities in accordance with Clause 6 Article 29 of this Decree;

c) The documents proving that the financial capacity satisfies the conditions prescribed in Article 28 of this Decree.

### **Article 38. Procedures for approving the establishment**

1. The investor shall make 06 dossiers, including 01 original, and submit them to:

a) The Ministry of Education and Training, applicable to applications for approving the establishment of universities, colleges; preschool education institutions, compulsory education institutions of which the establishment is requested by foreign diplomatic missions or inter-government international organizations;

b) The Ministry of Labor, War Invalids and Social Affairs, applicable to applications for the establishment of vocational colleges;

c) Services of Education and Training, applicable to applications for the establishment of short-term training institutions, high schools, mixed compulsory education institution (including upper-secondary education), except for the compulsory education institutions prescribed in Point a Clause 1 this Article; vocational intermediate schools;

d) Divisions of Education and Training, applicable to applications for the establishment of preschool education institution, elementary schools, middle schools, mixed compulsory education institutions (without upper secondary education), except for the preschool education institutions and compulsory education institutions prescribed in Point a Clause 1 this Article;

dd) Services of Labor, War Invalids and Social Affairs, applicable to applications for the establishment of vocational intermediate schools and vocational training centers.

2. Within 05 working days as from receiving the dossier, the agency that receives the dossier must check its validity and consult relevant agencies.

If the dossier is not valid, the agency that receives the dossier must notify the investor in writing for amendment and supplementation.

3. Within 10 working days as from receiving the written request for opinions from the dossier that receives the dossier, the requested agency must reply in writing.

4. Within 30 working days as from receiving the complete and valid dossier, the agency that receives the dossier must verify and submit it to competent authorities prescribed in Article 39 of this Decree for consideration and decision.

5. Within 10 working days as from receiving the verification report, the competent authorities must consider and make decisions on the approval for the establishment of the educational institution.

6. If the dossier is rejected, within 05 working days as from receiving the opinions from the competent authorities, the agency that receives the dossier must notify the investor in writing and specify the reasons.

#### **Article 39. Authority to approve the establishment**

1. The Prime Minister shall make decisions on approving the establishment of foreign-capitalized universities.

2. The Minister of Education and Training shall make decisions on approving the establishment of foreign-capitalized colleges; preschool education institutions, compulsory education institutions of which the establishment is requested by foreign diplomatic missions or inter-government international organizations;

3. The Minister of Labor, War Invalids and Social Affairs shall make decisions on approving the establishment of foreign-capitalized vocational colleges.

4. Presidents of the provincial People's Committees shall make decisions on the establishment of short-term training institutions, high schools, mixed compulsory education institution (including upper-secondary education), except for the compulsory education institutions prescribed in Clause 2 this Article; vocational education institutions (except for vocational colleges).

5. Presidents of the district-level People's Committees shall make decisions on the establishment of preschool education institution, elementary schools, middle schools, mixed compulsory education institutions (without upper secondary education), except for the preschool education institutions and compulsory education institutions prescribed in Clause 2 this Article.

### **SECTION 5. PROCEDURES FOR APPROVING THE ESTABLISHMENT OF CAMPUSES OF FOREIGN-CAPITALIZED EDUCATIONAL INSTITUTIONS IN VIETNAM**

#### **Article 40. Foreign-capitalized educational institutions permitted to establish campuses**

1. Short-term training institutions.

2. Vocational education institutions.

3. Higher education institutions.

#### **Article 41. Conditions for approving the establishment of campuses**

1. Having the Investment certificate attached to the establishment of the campus of the educational institution, or the adjusted Investment certificate.

2. The quality has been recognized by Vietnam's or foreign quality assessment organizations or competent agencies;

3. Having detailed project of the establishment of campus of the educational institution as prescribed in Clause 4 Article 42 of this Decree.

4. Satisfying the conditions prescribed in Point c and d Clause 1 Article 36 of this Decree.

5. The financial resources is sufficient to execute the project as prescribed in Article 28 of this Decree.

#### **Article 42. The dossier of application for the approval for establishing a campus**

1. The written request for the approval for establishing a campus of the educational institution.

2. An authenticated copy of the investment certificate attached to the establishment of the campus, or the adjusted Investment certificate.

3. The authenticated copies of the quality assessment documents or written quality certifications issued by Vietnam's or foreign competent agencies.

4. The detailed project of the establishment of the campus or the educational institution, specifying:  
Its name, educational targets; the designed structure of the managerial mechanism, and the educational activities at the campus;

The detailed plan for the development and scale of the campus in each period, specifying the fulfillment of the conditions for facilities and equipment, education programs, and teaching staff in accordance with Article 29, 30, and 31 of this Decree.

5. The written agreement on giving or leasing land to build the campus, and the agreement on leasing available facilities in accordance with Clause 6 Article 29 of this Decree, and relevant legal papers;

6. The project of investment in building facilities, including the description and detailed design of the campus of the educational institution, if the facilities must be built.

#### **Article 43. Procedures for approving the establishment of campuses**

1. The investor that applies for the establishment of the campus shall make 06 dossiers, including 01 original, and submit them to:

a) the Ministry of Education and Training, applicable to the application for establishing a campus of a foreign-capitalized university or college;

b) The Ministry of Labor, War Invalids and Social Affairs, applicable to the application for establishing a campus of a vocational colleges;

c) The Service of Education and Training, applicable to the application for establishing a campus of a short-term training institution or a vocational intermediate school;

d) Services of Labor, War Invalids and Social Affairs, applicable to the application for establishing a campus of a vocational intermediate school or a vocational training center.

2. Within 05 working days as from receiving the dossier, the agency that receives the dossier must check its validity and consult relevant agencies. If the dossier is not valid, the agency that receives the dossier must notify the investor in writing for amendment and supplementation.

3. Within 10 working days as from receiving the written request for opinions from the dossier that receives the dossier, the requested agency must reply in writing.

4. Within 25 working days as from receiving the complete and valid dossier, the agency that receives the dossier must verify and submit it to competent authorities prescribed in Article 44 of this Decree for consideration and decision.

5. Within 05 working days as from receiving the verification report, the competent authorities must consider and make decisions on the approval for establishing the campus.

6. If the dossier is rejected, within 05 working days as from receiving the opinions from the competent authorities, the agency that receives the dossier must notify the investor in writing and specify the reasons.

#### **Article 44. Authority to approve the establishment of campuses**

The agency that is entitled to approve the establishment of an educational institution is also entitled to approve the establishment of its campuses.

### **SECTION 6. PROCEDURES FOR APPROVING EDUCATION PROVISIONS**

#### **Article 45. Time limits for registering education provision**

1. Foreign-capitalized educational institutions in Vietnam and their campus may only provide education after being issued with the License to provide education.

2. Within 3 years (full 36 months) as from being issued with the Decision on approving the establishment, the following educational institutions and their campuses must complete the preparation and submit the application for providing education:

- a) Higher education institutions and their campuses in Vietnam;
  - b) Vocational education institution (except for vocational training centers) and their campuses in Vietnam.
3. Within 2 years (full 24 months) as from being issued with the Decision on approving the establishment, the following educational institution and their campuses must complete the preparation and submit the application for providing education:
- a) Short-term training institutions and their campuses in Vietnam;
  - b) Vocational training centers and their campuses in Vietnam;
  - c) Preschool education institutions;
  - d) Compulsory education institutions.
4. After the periods prescribed in Clause 2 and 3 this Article, if the registered educational institution or its campus still does not satisfy the conditions for being issued with the License to provide education, the Decision on approving the establishment of the campus shall be revoked.

#### **Article 46. Conditions for approving the education provision**

- 1. The organizational structure of the educational institution or its campus has been completed.
- 2. The Regulation on organization and operation of the educational institution is conformable with law.
- 3. The conditions of capital, facilities and equipment, education programs, and teaching staff in prescribed in Article 28, 29, 30, and 31 of this Decree are satisfied.
- 4. The conditions for establishing new faculties are satisfied, applicable to educational institutions that establish new faculties.

#### **Article 47. Dossier of application for providing education**

- 1. A written application for providing education.
- 2. An authenticated copy of the Decision on approving the establishment of the educational institution, or of the Decision on approving the establishment of a campus, enclosed with the dossier of application for the approval for establishing a campus of the educational institution.
- 3. The Regulation on the organization and operation of the educational institution or its campus.
- 4. The report on the progress of the project of investment, the capital contribution, capital loan, and capital invested.
- 5. The report on the fulfillment of the conditions in Article 28, 29, 30, and 31 of this Decree, together with:
  - a) The list of the Principal (Director), Deputy Principal (Deputy Director), the Deans, department managers, and the Chief accountant. For applications for licensing the operation of a campus, the list of persons in charge of the campus and its organizational structure is required.
  - b) The list and résumés of teachers, lecturers, and employees (full-time or visiting lecturers);
  - c) The grades, faculties, and disciplines;
  - d) The programs, teaching plans, teaching materials, lists of textbooks and primary reference materials;
  - dd) The subjects, regulation and period of enrolment;
  - e) The training regulation;
  - g) The training scale (students);
  - h) The regulations on tuition and relevant fees;

- i) The regulation on the inspection, assessment, and certification of the completion of the programs, modules, and grades;
- k) The forms of qualifications and certificates being issued.

6. The papers related to the procedures for establishing new faculties, applicable to educational institutions that establish new faculties.

**Article 48. Procedures for approving the education provision**

1. The application for providing education shall be made into 06 dossiers, including 01 original, and submitted to:

- a) The Ministry of Education and Training, applicable to the applications for providing education of higher education institutions and their campuses;
- b) The Ministry of Labor, War Invalids and Social Affairs and the Ministry of Planning and Investment, applicable to the applications for providing education of vocational colleges and their campuses;
- c) Services of Education and Training, applicable to the applications for providing education of short-term training institutions and their campuses; high schools, mixed compulsory education institution (including upper-secondary education); preschool education institutions, and compulsory education institutions of which the establishment is requested by foreign diplomatic missions and inter-government international organizations; vocational intermediate schools and their campuses;
- d) Divisions of Education and Training, applicable to applicable to the applications for providing education of preschool education institution, elementary schools, middle schools, mixed compulsory education institutions (without upper secondary education);
- dd) Services of Labor, War Invalids and Social Affairs, applicable to the applications for providing education of vocational training centers, vocational intermediate schools, and their campuses.

2. Within 20 working days as from receiving the dossier, the agency that receives the dossier must cooperate with relevant agencies and units in inspecting the fulfillment of the conditions, making and submitting reports to competent authorities for consideration and decision.

3. The competent authorities must reply within 07 working days as from receiving the report.

4. If the conditions are not completely satisfied, within 5 working days as from receiving the opinions from competent authorities, the receiving agency must reply in writing and specify the reasons.

**Article 49. Authority to approve the education provision**

1. The Ministry of Education and Training shall approve the operation of higher education institutions and their campuses.

2. The Ministry of Labor, War Invalids and Social Affairs shall approve the operation of vocational colleges and their campuses.

3. Directors of Services of Education and Training where the educational institutions and their campuses are situated shall approve the operation of:

- a) Short-term training institutions and their campuses;
- b) High schools, mixed compulsory education institution (including upper-secondary education);
- c) Preschool education institutions, and compulsory education institutions of which the establishment is requested by foreign diplomatic missions or inter-government international organizations;
- d) Vocational intermediate schools and their campuses.

4. Directors of Divisions of Education and Training shall approve the operation of:

- a) Preschool education institutions;
- b) Elementary schools;

c) Middle schools;

d) Mixed compulsory education institution (not including upper-secondary education).

5. Directors of Services of Labor, War Invalids and Social Affairs shall approve the operation of local vocational training centers, vocational intermediate schools, and their facilities.

**Article 50. Supplementing and adjusting the education and faculties, expanding the scale and subjects of enrolment, adjusting teaching programs**

1. When a foreign-capitalized educational institution or its campus wishes to supplement or adjust the education activities, the faculties, expand the scale or subjects of enrolment, or adjust the teaching programs, it must send a dossier of application to the agencies authorized to approve the education provision prescribed in Article 49 of this Decree for consideration and decision.

2. Within 20 working days as from receiving the valid dossier, the receiving agency prescribed in Clause 1 Article 48 of this Decree must carry out the assessment, submit reports to the competent authorities for consideration and decision, and reply in writing.

**Article 51. Declaring the establishment of foreign-capitalized educational institutions**

Within 20 working days as from receiving the License to provide education., the foreign-capitalized educational institutions must post the following contents on 05 consecutive issues of a central paper and a local paper:

1. The name of the foreign-capitalized educational institution in Vietnamese or a common foreign language.

2. The Investment certificate, in case the Investment certificate is compulsory (the number, date of issue, issuing agency, total registered capital)

3. The decision on approving the establishment of the educational institution (the number, date of issue, issuing agency).

4. The License to provide education (the number, date of issue, issuing agency, the types of education allowed to provide).

5. Full name of the Principal (Director) of the educational institution.

6. The address of the educational institution and relevant information: telephone, fax, symbol, website (if any), and email.

7. The bank account number.

**SECTION 7. SUSPENDING THE ENROLMENT, SHUTTING DOWN, DISSOLVING, DIVIDING, SPLITTING, MERGING AND CONSOLIDATING FOREIGN-CAPITALIZED EDUCATIONAL INSTITUTIONS**

**Article 52. Suspending the enrolment**

1. The enrolment of foreign-capitalized educational institutions shall be suspended in the following cases:

a) Failing to ensure the education conditions prescribed in this Decree that affect the education quality;

b) Violating the law provisions on penalties for administrative violations of education to a degree that the enrolment must be suspended;

c) Other cases prescribed by law.

2. The agency entitled to approve the establishment of an educational institution is also entitled to suspend its enrolment.

**Article 53. Shutting down and dissolving foreign-capitalized educational institutions**

1. Foreign-capitalized educational institutions shall be shut down and dissolved in the following cases:

- a) The targets and operation of the educational institution are no longer suitable for the socio-economic development requirements;
- b) Being shut down and dissolved under the decisions made by State management agencies in charge of education and vocational training for violating the provisions on the management, organization and operation of educational institution, or under the Court's Judgments;
- c) At the request for the founders of the educational institutions;
- d) The operation period of the educational institution expires;
- dd) Other cases prescribed by law.

2. The competent authorities entitled to approve the establishment of a foreign-capitalized educational institution is also entitled to make decisions on shutting it down and approving its dissolution.

3. The dossier of application for dissolving a foreign-capitalized educational institution comprises:

- a) The written application for dissolving the educational institution;
- b) Making decisions on approving the establishment;

The name and address of the head office of the educational institution;

The reasons for dissolution;

The time limit, procedures for liquidating contracts and settling debts of the educational institution; prioritizing the settlement of unpaid wages, severance pays, social insurance, and other benefits of employees in accordance with the concluded collective labor agreements and labor contracts, the outstanding tax and other debts. After paying off all the debts and expenses on the dissolution, the remainder belongs to the owner of the foreign-capitalized educational institutions;

The plan for fulfilling the obligations arising from labor contracts;

Other measures for ensuring the interests of students, officers, lecturers, teachers, and other employees;

The full name and signature of the legal representative of the educational institution.

c) The educational institutions compelled to shut down and dissolve as prescribed in Point b Clause 1 this Article must enclose the Decision on shutting down from a State management agency in charge of education and vocational training, or the Court's Judgments;

4. A foreign-capitalized educational institutions must be dissolved under the following procedures:

a) The application for dissolving a foreign-capitalized educational institution shall be submitted to the agency that receives the application for establishing foreign-capitalized educational institutions prescribed in Clause 1 Article 38 of this Decree;

b) Within 10 working days, the agency that receives the application must cooperate with relevant agencies and units in verify and submit it to competent authorities prescribed in Article 39 of this Decree for consideration and decision. A educational institution may only dissolved after all the debts and financial obligations are settled;

c) Within 05 working days, the competent authorities must consider and make decisions on approving the dissolution principles of the educational institution.

5. After the dissolution principles are approved, the educational institution may liquidate contracts, settle debts, and liquidate their assets within 06 months.

6. Within 07 working days as from finishing the dissolution and settling the debts, the legal representative of the educational institution shall submit the following documents to competent authorities:

a) The report on the implementation of the dissolution procedures, including the guarantee that all debts have been paid off, including tax debts and benefits of employees;

b) The list of creditors and the paid debts, including the tax debts and unpaid social insurance premium;

c) The list of existing employees and the settled benefits of employees;

b) The stamp, the stamp registration certificate, the tax code registration certificate.

7. Within 10 working days as from receiving the complete and valid dossier, the receiving agency must notify the tax authority and the police of the dissolution of the educational institution, and request competent authorities to certify the dissolution of the foreign-capitalized educational institutions if the tax authority and the police do not make objections.

8. The owner of the foreign-capitalized educational institution is responsible for the accuracy of the dossier of dissolution of the foreign-capitalized educational institution. If the dissolution dossier is inaccurate or fabricated, they must be jointly liable for the unpaid debts, tax, and benefits of employees, and bear personal responsibility before law for the consequences arising within 3 years (full 36 months) as from the day of submitting the dossier of dissolution to competent agencies.

9. If the investors are involved in dispute over the liquidation of the educational institution, the dispute must be settle in Court or by a arbitrator as prescribed by law.

10. During the liquidation, if the educational institution fails to settle the debt, the liquidation shall be terminated and handled as prescribed by law provisions on bankruptcy.

#### **Article 54. Dividing, splitting, merging and consolidating foreign-capitalized educational institutions**

1. The division, splitting, merger and consolidation of foreign-capitalized educational institutions must comply with the following rules:

a) Complying with requirements for socio-economic development of Vietnam;

b) Suitable for the educational institution network planning;

c) Contributing to the improvement of educational efficiency and quality;

d) Ensuring the interests of the employees, teachers and students of the educational institution;

dd) New educational institutions established from the division, splitting, merger or consolidation must satisfy the conditions prescribed in Article 28, 29, 30, and 31 of this Decree.

2. The competent authorities entitled to approve the establishment of a foreign-capitalized educational institution is also entitled to approve its division, splitting, merger and consolidation.

3. The dossier of dividing, splitting, merging or consolidating a foreign-capitalized educational institution includes:

a) A written application for dividing, splitting, merging or consolidating the foreign-capitalized educational institution;

b) One of the following documents:

The Decision on dividing the foreign-capitalized educational institution passed by the owner of the educational institution. The Decision on dividing the educational institution must comply with current law provisions, and specify the name and location of the divided educational institution, the name and location of the new educational institution being established; the principles of dividing assets, the plan for employment; the period and procedures for transferring the contributed capital of the divided educational institution to the new educational institution; the principles of fulfilling the obligations of the divided educational institution; the period of dividing the educational institution. The decision on dividing must be sent to all creditors and notified to employees within 01 months as from passing the decision;

The Decision on splitting the the foreign-capitalized educational institution passed by the owner of the educational institution. The Decision on splitting the educational institution must comply with current law provisions, and specify the name and location of the divided educational institution, the name and location of the new educational institution being established; the value of assets, the rights and obligations transferred from the split educational institution to the new educational institution; the plan for employment; the period of splitting the educational institution. The decision on splitting must be sent to all creditors and notified to employees within 1 months as from passing the decision;

The merger contract made by the legal representatives of the relevant educational institutions. The merger contract must contain the name and address of the head office of the transferee institution; the name and address of the head office of the transferor institution; the procedures and condition for merging; the plan for employment; time limit, procedures, and conditions for transferring assets and contributed capital of the transferor institution to the transferee institution, the merger period;

The consolidation contract made by the legal representatives of the relevant educational institutions. The consolidation contract must contain the name and address of the head office of the transferor institution; the name and address of the head office of the transferee institution; the procedures and condition for consolidation; the plan for employment; time limit, procedures, and conditions for transferring assets and contributed capital of the transferor institution to the transferee institution, the consolidation period; the draft regulation of the transferee institution.

4. The procedures for dividing, splitting, merging and consolidating foreign-capitalized educational institutions are carried out as follows:

a) The application for dividing, splitting, merging or consolidating a foreign-capitalized educational institution shall be submitted to the agency that receives the application for establishing foreign-capitalized educational institutions prescribed in Clause 1 Article 38 of this Decree;

b) Within 30 working days as from receiving the valid dossier, the receiving agency must carry out the assessment, make and submit reports to the competent authorities prescribed in Article 39 of this Decree for consideration and decision.

#### **Chapter 4.**

### **REPRESENTATIVE OFFICES OF FOREIGN EDUCATION**

#### **Article 55. Functions and tasks**

1. A representative office of a foreign educational institution (hereinafter referred to as representative offices of foreign education) shall take on the following tasks on behalf of such foreign educational institution:

a) Boosting the cooperation with Vietnamese educational institutions via promoting cooperation education programs and projects concerned by the Vietnamese party.

b) Organizing the consultation, information exchanges, seminars, and exhibition about education aiming to introduce the foreign educational institution;

c) Expediting and supervising the implementation of the agreements on education cooperation signed with Vietnam's educational institutions.

2. Representative offices of foreign education must not engage in educational activities that directly generate profit in Vietnam.

3. Representative offices of foreign education must not establish representative offices or branches in Vietnam.

#### **Article 56. Naming representative offices of foreign education**

The names of representative offices of foreign education must be put in the following order: "Representative office of ", "Name of the educational institution", and "in Vietnam".

#### **Article 57. Operation period**

The operation period of an representative office of foreign education must not last longer than 5 years as from the date of issue of the establishment license, and may be extended. Each extension does not exceed 5 years.

**Article 58. Conditions for approving the establishment**

1. Having a legal status as prescribed by law of the country or territory (hereinafter referred to as country) where the head office of the vocational education institution is situated.
2. Having been operated at least 5 years in that country.
3. The quality of the educational institution has been assessed or recognized by competent agencies.
4. Having clear charter, principles, and targets.
5. Having the Regulation on organization and operation of the representative office being established in Vietnam in conformity with Vietnam's law.
6. The functions and tasks of the representative office being established in Vietnam is conformable with Article 55 of this Decree.

**Article 59. The dossier of application for the approval for the establishment**

1. The application for establishing a representative office of foreign education includes:
  - a) The written application for establishing the representative office;
  - b) The documents proving the legal status of the foreign educational institution;
  - c) The summary of the establishment and development of the foreign educational institution;
  - d) An authenticated copy of the Operation charter of the foreign educational institution;
  - dd) The quality assessment certificate of the foreign educational institution, or the written certification of quality from competent agencies;
  - e) The draft Regulation on the organization and operation of the representative office of foreign education in Vietnam;
  - g) The letter of introduction of the Manager of the representative of foreign education in Vietnam and his or her résumé.
2. The written certifications issued by foreign agencies must be consularly legalized at the Vietnam's Ministry of Foreign Affairs or a diplomatic mission, consular office, or an agency authorized to do consulate works of Vietnam overseas, unless the International Agreements to which the Socialist Republic of Vietnam is a signatory prescribed otherwise.

**Article 60. Procedures for approving the establishment**

1. The vocational education institution that applies for establishing a representative office in Vietnam must send 05 dossiers, including 01 original to the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs.
2. Within 30 working days as from receiving the valid dossier, the receiving agency must carry out the assessment, make and submit reports to the competent authorities prescribed in Article 61 of this Decree for considering and making decisions on approving the establishment of the representative office of foreign education.
3. If the dossier is rejected, within 05 working days as from receiving the opinions from the competent authorities, the agency that receives the dossier must reply in writing and specify the reasons.

**Article 61. Authority to approve the establishment**

1. The Minister of Education and Training shall approve the establishment of representative offices of foreign educational institutions engaged in education.

2. The Minister of Labor, War Invalids and Social Affairs shall approve the establishment of representative offices of foreign educational institutions engaged in vocational training.

3. The competent authorities entitled to approve the establishment of representative offices of foreign education in Vietnam are also entitled to extend, amend, supplement, and revoke the establishment licenses, to suspend, shut down, and dissolve representative offices of foreign education in Vietnam.

#### **Article 62. Operation registration**

1. Within 20 working days as from being issued with the License to establish the representative office of foreign education, the educational institution must register its operation with the Service of Education and Training or the Service of Labor, War Invalids and Social Affairs where the representative office is situated.

2. The dossier or registration of the representative office of foreign education includes:

a) The written registration for the operation of the representative office of foreign education;

b) The authenticated copy of the License to establish the representative office of foreign education and the application for the License to establish the representative office of foreign education submitted to the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs;

c) The decision on appointing the Manager of the representative office of foreign education, and his or her résumé;

d) The personnel of the representative office of foreign education and their résumés;

dd) The specific location of the representative office of foreign education and relevant legal papers.

3. Within 10 working days as from receiving the dossier of registration from the representative office of foreign education, the Director of the Service of Education and Training or Service of Labor, War Invalids and Social Affairs must consider and issue the Registration certificate.

4. Within 20 working days as from being issued with the Registration certificate, the representative office of foreign education must carry out the following tasks:

a) Post the following contents on 05 consecutive issues of at least 01 central newspaper and 01 local newspaper:

The name of the representative office of foreign education in Vietnamese or a common foreign language (if any);

The License to establish the representative office of foreign education (number, date of issue, and issuing agency);

Full name of the manager of the representative office of foreign education;

The location, symbol, phone, fax numbers, email, and website (if any);

The bank account number;

The Registration certificate (number, date of issue, and issuing agency).

b) Commencing the operation in accordance with the target, scope, period, and location in the License to establish the representative office of foreign education and the Registration certificate.

#### **Article 63. Amending, supplementing, extending, and reissuing the establishment license**

1. Foreign educational institutions must apply for the amendment, supplementation, extension, or reissuance of the License to establish the representative office of foreign education in the following cases:

a) Changing the name, the head, or the location of the vocational education institution within the country where it is established;

- b) Changing the name, the head, or the location of the representative office of foreign education in Vietnam;
  - c) The operation period in the License to establish the representative office of foreign education expires.
2. Foreign educational institutions must apply for the reissuance of the License to establish the representative office of foreign education in the following cases:
- a) Changing the functions and scope of operation of the foreign educational institution;
  - b) Changing the location of the foreign educational institution from one country to another;
  - c) The License to establish the representative office of foreign education is lost.
3. Within 10 working days as from the change or the lost of the License to establish the representative office of foreign education, or within 30 days before it expires, the educational institution must apply for the amendment, supplementation, extension, or reissuance of the License at a competent agency.
4. The dossier of application for the amendment, supplementation, extension, or reissuance of the License to establish the representative office of foreign education includes:
- a) The written request from the foreign education institution, specifying:
    - Name and address of the representative office of foreign education
    - The amendments and supplements
    - The reasons for the amendment, supplementation, extension, or reissuance of the License to establish the representative office of foreign education.
  - b) The License to establish the representative office of foreign education;
  - c) The Registration certificate of the representative office of foreign education.
5. Within 20 working days as from receiving the complete and valid dossier from the foreign educational institution, competent authorities must consider and reissue the new License to establish the representative office of foreign education, or the amended and supplemented License to establish the representative office of foreign education.
6. If the dossier is rejected, within 05 working days as from receiving the opinions from the competent authorities, the agency that receives the dossier must reply the foreign educational institution in writing and specify the reasons.

#### **Article 64. Shutting down, revoking establishment licenses**

1. A representative office of foreign education shall be shut down in the following cases:
- a) The operation period in the License to establish the representative office of foreign education expires;
  - b) At the request of the foreign educational institution that established the representative office of foreign education;
  - c) The License to establish the representative office of foreign education is revoked as prescribed in Clause 2 this Article.
2. The License to establish the representative office of foreign education shall be revoked in the following cases:
- a) The operation is not commenced within 06 months as from being issued with the first establishment license, or 03 months as from the establishment license is extended;
  - b) The License to establish the representative office of foreign education is found to be fabricated;

c) The representative office of foreign education engages in the activities in contravention of the License, or violates this Decree and Vietnam's law.

3. The agency that issued the License to establish the representative office of foreign education must provide the explanation for revoking the License or shutting down the representative office for the foreign educational institution and the relevant provincial People's Committee before shutting down the representative office.

4. Within 60 working days as from being notified of the shut down, the representative office of foreign education must complete all the procedures related to the debts, wages, social insurance, building rents, and other financial obligations (if any), return the License to establish the representative office of foreign education, the stamp, and send written reports to the Ministry of Education and Training or the Ministry of Labor, War Invalids and Social Affairs. This period may be extended depending on such Ministries, but must not exceed 1 year.

#### **Article 65. Rights and obligations of representative offices of foreign education**

1. A representative office of foreign education is entitled to:

a) Have the lawful rights and interests prescribed by Vietnam's law and the International Agreements to which the Socialist Republic of Vietnam is a signatory protected during the period of operation in Vietnam.

b) Rent buildings, purchases vehicles and equipment necessary for its operation;

c) Employing Vietnamese and foreign employees to work in the representative office under Vietnam's law;

d) Open a spending account in foreign currency, Vietnam Dong from foreign currency in a bank that is allowed to operate in Vietnam. Such account may only used for the operation of the representative office;

dd) Have a stamp bearing the name of the representative offices as prescribed by Vietnam's law;

e) Other rights prescribed by Vietnam's law.

2. A representative office of foreign education has the following obligations:

a) The operation of a representative office of foreign education in Vietnam must comply with the contents and scope of operation in the License to establish the representative office of foreign education. The foreign educational institution must bear responsibility for every activity of the representative office of foreign education in Vietnam;.

b) Submitting written reports annually, before December 15<sup>th</sup>, on the operation of the representative office of foreign education in Vietnam to the agency that issued the License to establish the representative office and the agency the issue the Registration certificate, and providing reports and documents or explanation about the related issues at the request of Vietnam's competent agencies;

a) The head a representative office of foreign education in Vietnam must fulfill the duties delegated by the foreign educational institution *intra vires*.

d) The foreign employees of a representative office of foreign education must:

Adhere to the purpose of entering Vietnam;

Comply with law and respect Vietnam's traditional customs. All acts of violations of Vietnam's law committed by employees of representative offices of foreign education shall be handled in accordance with Vietnam's law.

dd) Other obligations prescribed by law.

#### **Chapter 5.**

### **STATE MANAGEMENT**

**Article 66. State management of education in cooperation with and invested by foreign partners**

1. Formulate and guide the implementation of strategies, plannings, plans, and policies on cooperation and investment of foreign partners in education.
2. Promulgate, disseminate, guide, and organize the implementation of policies and legal documents on the cooperation and investment of foreign partners in education.
3. Performing State management of international cooperation; inspect the conclusion and implementation of the agreements on cooperation between Vietnamese educational institutions and vocational education institutions, ensure the conformity with Vietnam's law.
4. Set teaching targets, formulate teaching programs and contents; set out conditions about facilities and equipment, teaching staff, qualifications and certificates of educational association with foreign partners and foreign-capitalized educational institutions.
5. Organize and manage the education quality assurance and education quality assessment for educational association programs with foreign partners and foreign-capitalized educational institutions.
6. Organize and manage Vietnam's citizens going abroad to study, to teach, to go on academic exchange, attend conventions, seminars, and foreign individuals, Vietnamese people residing abroad that come to Vietnam to do such activities.
7. Issue, adjust, and extend Schemes for educational association with foreign partners.
8. Issue, adjust, and revoke Investment certificates.
9. Issue, adjust, and revoke Decisions on approving the establishment of campuses, and Licenses to provide education from foreign-capitalized educational institutions.
10. Issue, adjust, supplement, extend, reissue, and revoke Licenses to establish the representative offices of foreign education in Vietnam.
11. Guide investors to execute their project of investment and resolve their difficulties as well as respond to their request during their investment in establishing educational institutions.
12. Assess the macro-economic efficiency and impact of foreign investment in education.
13. Cooperate with State management agencies at all level in manage the foreign investment in education.
14. Provide training in enhancing the capability of management of foreign investment in education for State management agencies in charge of investment at all level.
15. Make statistics and provide information about foreign cooperation and investment in education.
16. Guide and organize the inspection, supervision, and assessment of the settlement of complaints and denunciation, the commendation, and handling of violations during the cooperation and investment of foreign partners in education.

**Article 67. Responsibilities of the Ministry of Education and Training**

1. Promulgate, or request competent agencies to promulgate legal documents on the cooperation and investment of foreign partners in education and training.
2. Appraise and approve the the Schemes for higher education association with foreign partners.
3. Guide the procedures for receiving dossiers, organize appraisals, make decisions or request the Prime Minister to make decisions on approving the establishment of foreign-capitalized higher education institutions, their campuses and representative offices of foreign education in Vietnam.
4. Guide the procedures for receiving dossiers, organize appraisals, make decisions on issuing operation licenses to foreign-capitalized educational institutions.

5. Lead and cooperate with relevant agencies in comprehensively managing the educational association programs with foreign partners, foreign-capitalized educational institutions, and representative offices of foreign education within the scope of management of the education sector.
6. Provide training in enhancing the capability of management of foreign investment in education for Services of Education and Training, Divisions of Education and Training.
7. Guide and support investors to execute their project of investment and resolve their difficulties during their investment in establishing educational institutions.
8. Guide and organize the inspection, supervision, and assessment of the settlement of complaints and denunciation, the commendation, and handling of violations during the cooperation and investment of foreign partners in education and training.
9. Report the progress of the programs and projects of foreign investment and cooperation in education and training to the Prime Minister every 6 months and every year.

**Article 68. Responsibilities of the Ministry of Labor, War Invalids and Social Affairs**

1. Promulgate, or request competent agencies to promulgate legal documents on the cooperation and investment of foreign partners in vocational training.
2. Appraise and approve the the Schemes for association with foreign partners in vocational colleges.
3. Guide the procedures for receiving dossiers, decide or request the Prime Minister to make decision on approving the establishment of foreign-capitalized vocational colleges, their campuses and representative offices of foreign vocational training institutions in Vietnam.
4. Guide the procedures for receiving dossiers, organize appraisals, make decisions on issuing operation licenses to foreign-capitalized vocational colleges.
5. Lead and cooperate with relevant agencies in comprehensively managing the educational association programs with foreign partners, foreign-capitalized educational institutions, and representative offices of foreign education within the scope of management of the vocational training sector.
6. Provide training in enhancing the capability of management of foreign cooperation and investment in vocational training for Services of Labor, War Invalids and Social Affairs.
7. Guide and support investors to execute their project of investment and resolve their difficulties during their investment in establishing vocational training institutions.
8. Guide and organize the inspection, supervision, and assessment of the settlement of complaints and denunciation, the commendation, and handling of violations during the cooperation and investment of foreign partners in vocational training.
9. Report the progress of the programs and projects of foreign investment and cooperation in vocational training to the Prime Minister every 6 months and every year.

**Article 69. Responsibilities of the Ministry of Planning and Investment**

1. Cooperate with the Ministry of Education and Training in appraising applications for establishing foreign-capitalized universities;
2. Inspect and supervise the foreign investment *intra vires*; formulate programs and plans for inter-sector inspection and supervision of the implementation of law provisions on investment applicable to foreign investment in education; inspect the issuance, adjustment, and revocation of Investment certificates, carried out by agencies authorized to issue Investment certificates prescribed by law provisions on investment and relevant legal documents; inspect and supervises the adherence to the plannings approved by competent authorities during the investment.
3. Cooperate with the Ministry of Education and Training, the Ministry of Labor, War Invalids and Social Affairs, and relevant agencies in the management of foreign-capitalized educational institutions.

4. Guide investors to execute their project of investment and resolve their difficulties as well as respond to their request during their investment in establishing educational institutions.
5. Report the foreign investment in education in accordance with the reporting regime and provisions on foreign investment statistics in the Law on Investment and its guiding documents.

**Article 70. Responsibilities of the Ministry of Finance**

1. Cooperate with the Ministry of Education and Training in appraising applications for establishing foreign-capitalized universities;
2. Supervise and inspect the implementation of law provisions on finance, accounting, audit, and taxation applicable to the cooperation and investment of foreign partners in education.
3. Guide and resolve the difficulties during the cooperation and investment of foreign partners in education.
4. Cooperate with the Ministry of Education and Training, the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Planning and Investment, and relevant agencies in the management of foreign-capitalized educational institutions.

**Article 71. Responsibilities of the Ministry of Public Security**

The Ministry of Public Security must give opinions about the security and order of the foreign cooperation and investment in education and vocational training.

**Article 72. Responsibilities of provincial People's Committees**

1. Formulate and submit the plannings, plans, programs, projects, and policies on local education development to competent authorities for approval; guide and inspect, and organize the approved plannings, plans, programs, projects, and policies on education development.
2. Make and announce the list of projects of attracting investment in local education, stimulate and promote investment, based on the socio-economic development, planning, the plannings, plans, programs, projects, and policies on local education development.
3. Organize the inspection, issuance, adjustment, and revocation of Investment certificates, and Decisions on approving the establishment of foreign-capitalized educational institutions and their campuses.
4. Cooperate with relevant agencies in apprising the applications for establishing foreign-capitalized universities, colleges, and vocational colleges.
5. Perform the State management of programs and projects of foreign investment and cooperation in education locally as follows:
  - a) Lead and cooperate with relevant agencies in assigning specialized agencies affiliated to the Committee to comprehensively manage the local foreign-capitalized educational institutions, educational association with foreign partners, and representative offices of foreign education;
  - b) Monitor, supervise, and inspect the accomplishment of the targets of projects of investment, the progress of contribution and project execution; inspect and supervise the fulfillment of financial obligations, wages, and protection of the lawful rights and interests of employees, employers, environment protection; lead or cooperate with Ministries and sectors in inspecting the local projects of investment;
  - c) Organize the land clearance, land allocation, land lease, the issuance of land tenancy certificates, the management and use of land of foreign-capitalized educational institutions;
  - d) Resolve difficulties of investors, request the Prime Minister or relevant Ministries and sectors to resolve the issues ultra vires;
- dd) Assess the efficiency of local foreign investment in education.

6. Guide the statistics and information, report the local foreign cooperation and investment in education to the Ministry of Education and Training, the Ministry of Labor, War Invalids and Social Affairs, and the Ministry of Planning and Investment every 6 months and every year.

**Article 73. Inspection and penalties for administrative violations**

1. Inspection:

a) The Ministry of Education and Training, the Ministry of Labor, War Invalids and Social Affairs, and other State management agencies must inspect the educational association programs, foreign-capitalized educational institutions, and representative offices of foreign education in Vietnam.

b) The scope of investment inspection must comply with law provisions on investment and inspection applicable to State management of investment and projects of investment

2. Penalties for administrative violations of education:

a) The inspectors of the Ministry of Education and Training, the Ministry of Labor, War Invalids and Social Affairs, and other State management agencies competent to impose penalties for administrative violations are specified in the Government's Decrees on penalties for administrative violations of education and the Government's Decrees on penalties for administrative violations of vocational training;

b) The penalties for violations of investment must comply with law.

3. The settlement of disputes over investment must comply with law provisions on investments and relevant laws.

**Chapter 6.**

**IMPLEMENTATION PROVISIONS**

**Article 74. Transitional provisions**

1. Foreign-capitalized educational institutions and their campuses that have been issued with the Investment certificates concurrently the Business registration certificates and the Licenses to provide education before this Decree takes effect are exempted from reappraisal, but they must supplement and complete the dossiers within 06 months as from this Decree takes effect to be issued with the Decisions on approving the establishment of educational institutions and campuses.

2. The foreign projects of investment in education and vocational training that have been issued with the Investment certificates concurrently the Certificates of business registration, but have not been issued with the License to provide education before this Decree takes effect must comply with Section 4, 5, and 6 Chapter II of this Decree.

3. The foreign projects of investment in education and vocational training of which the applications have been submitted that have not been issued with the Investment certificates concurrently the Certificates of business registration before this Decree takes effect must comply with Section 3, 4, 5, and 6 Chapter II of this Decree.

4. The submitted applications for approving the Schemes for educational association with foreign partners that have not been approved before this Decree takes effect must comply with Chapter II of this Decree.

5. The submitted applications for establishing representative offices of foreign education that have not been issued with the establishment licenses before this Decree takes effect must comply with Chapter IV of this Decree.

**Article 75. Implementation provisions**

1. This Decree takes effect on November 15, 2012.

2. This Decree annuls the provisions on education and training in the Government's Decree No. 18/2001/ND-CP dated May 04, 2001, on the establishment and operation of foreign educational and cultural institutions in Vietnam, the Government's Decree No. 06/2000/ND-CP dated March 06, 2000

on the foreign cooperation in investment in medical examination and treatment, education and training, scientific research, and other provisions related to foreign cooperation and investment in education that contradict this Decree.

3. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs are responsible for guiding the implementation of this Decree.

4. Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the Presidents of People's Committees of central-affiliated cities and provinces, and relevant agencies are responsible for implementing this Decree./.

**FOR THE GOVERNMENT  
THE PRIME MINISTER**

**Nguyen Tan Dung**

[www.LuatVietnam.vn](http://www.LuatVietnam.vn)