

No.: 04/2016/TT-BVHTTDL

Hanoi, June 29, 2016

CIRCULAR

**AMENDMENTS AND SUPPLEMENTS TO A NUMBER OF ARTICLES OF CIRCULAR
NO. 15/2012/TT-BVHTTDL; CIRCULAR NO. 07/2012/TT-BVHTTDL; CIRCULAR
NO. 88/2008/TT-BVHTTDL AND CIRCULAR NO. 05/2013/TT-BVHTTDL**

Pursuant to the Law on promulgation of legislative documents dated June 03, 2008;

*Pursuant to the Government’s Decree No. 76/2013/ND-CP dated July 16, 2013 defining the
functions, tasks, power and organizational structure of Ministry of Culture, Sports and Tourism;*

At the request of Director General of the Legal Department,

*Minister of Culture, Sports and Tourism promulgates this Circular to provide for amendments
and supplements to a number of articles of Circular No. 15/2012/TT-BVHTTDL Circular
No. 07/2012/TT-BVHTTDL Circular No. 88/2008/TT-BVHTTDL and Circular No. 05/2013/TT-
BVHTTDL.*

**Article 1. Amendments and supplements to the Circular No. 15/2012/TT-BVHTTDL dated
December 13, 2012 by Minister of Culture, Sports and Tourism guiding the verification of
copyrights and relevant rights**

1. Point b Clause 4 Article 11 is amended as follows:

“b) The verifying organization in demand of re-issuance of Certificate of verifying organization shall, by hand or by post, submit an application to the Copyright Office affiliated to Ministry of Culture, Sports and Tourism. The application consists of the following documents:

The application form for re-issuance of Certificate of verifying organization (using the form stated in Annex I herein);

Certified copies of recruitment decisions, labour contracts or employment contracts made between the verifying organization and verifiers (if contents in the issued certificate of verifying organization are changed).

If the issued Certificate of verifying organization is damaged, the damaged Certificate of verifying organization must be submitted. If there is change in information, legal documents proving that change must be included in the application and the issued Certificate of verifying organization must be submitted.”.

2. Annex No. 4 enclosed to Circular No. 15/2012/TT-BVHTTDL promulgating the Form of the Application for issuance/re-issuance of Certificate of organization in charge of verifying of copyright and relevant rights (using the form stated in Annex I herein).

Article 2. Amendments and supplements to the Circular No. 07/2012/TT-BVHTTDL dated July 16, 2012 by Minister of Culture, Sports and Tourism guiding the Government’s Decree No. 32/2012/ND-CP dated April 12, 2012 on the management of export/import of cultural products for non-commercial purposes

1. Point c Clause 1 Article 3 is amended as follows:

“c) The copy of decision granted by a competent authority on giving permission to cooperate in filmmaking with foreign party; the copy of decision granted by Minister of Culture, Sports and Tourism on giving permission to export relics or antiques (including re-exported relics or antiques;”.

2. Clause 2 Article 3 is amended as follows:

“2. The period for verification shall not exceed 10 working days from the date on which a valid application is received. In special cases, the period for verification may be extended up to 15 working days. The written record of verification of cultural products shall be used as the base for consideration of cultural product export procedures by customs agencies.”

Article 3. Amendments and supplements to the Circular No. 88/2008/TT-BVHTTDL dated December 30, 2008 by Minister of Culture, Sports and Tourism guiding the Government’s Decree No. 92/2007/ND-CP dated June 01, 2007 detailing the implementation of a number of articles of the Law on Tourism with respect to tourist accommodations

1. Clause 2.6 Section 2 Part III is amended as follows:

“2.6. At least three months before the date on which decision on recognition of rating of a tourist accommodation establishment expires, that tourist accommodation establishment must send one (01) set of application dossiers for re-classification of tourist accommodation establishment to Department of Culture, Sports and Tourism or Department of Tourism. Procedures for re-appraisal and re-classification shall be same as those for initial appraisal and classification.

The application dossiers for re-appraisal and re-classification of tourist accommodation establishment consist of:

- a) The application form for re-classification of tourist accommodation establishment (using the form stated in Annex II herein);
- b) The table on evaluation of quality of the tourist accommodation establishment as provided for in National standards for classification of tourist accommodation establishments;
- c) The list of managers and attendants of the tourist accommodation establishment as referred to in Annex 2 of the Circular No. 88/2008/TT-BVHTTDL;
- d) Legal copies of:

Certificate of enterprise registration/ Certificate of household business of the tourist accommodation establishment, decision on enterprise establishment (if there are changes in Certificate of enterprise registration/ Certificate of household business);

Managers’ degrees/qualifications and/or certificates of professional improvement and working experience in tourism;

Certificate of compliance with food safety regulations (if the tourist accommodation establishment provides foods services).

Apart from the documents mentioned above, the application for re-appraisal and re-classification for ratings of from 01 to 05 stars or a luxury rating also requires legal copies of degrees/ certificates of professional competence or foreign language comprehension of heads of front office, housekeeping, waiting staff, bartender, kitchen and security divisions.”.

2. Annex No. 9 enclosed to Circular No. 88/2008/TT-BVHTTDL promulgating the Form of the Application for issuance of certificate of standard tourist service (using the form stated in Annex III herein).

Article 4. Amendments and supplements to the Circular No. 05/2013/TT-BVHTTDL dated July 29, 2013 by Minister of Culture, Sports and Tourism providing for the establishment of national standards and technical regulations by Ministry of Culture, Sports and Tourism

1. Point e Clause 2 Article 11 is abrogated.

2. Point g Clause 2 Article 11 is amended as follows:

“g) Complete the draft national standard and submit the application for appraisal to Ministry of Culture, Sports and Tourism.

The application for appraisal of the draft national standard consists of:

- The written request made by the compiling organization for appraisal of the application and the draft national standard.
- Decision on assignment to execute the project on the establishment of national standard, enclosed with the approved project on the establishment of national standard.
- The report made by the compiling organization on the establishment of the draft national standard.
- The draft national standard which has been completed on the basis of opinions about the acceptance of the project on the establishment of national standard (including soft copy and hard copy of the draft), enclosed with explanation; copies of original documents used as the basis for establishing the national standard; other reference documents.
- The list of agencies and entities that are asked for opinions about the draft national standard; the statement of summary and explanation/ receipt of received opinions, enclosed with received opinions in writing.

Opinions shall be shown in the comment form of draft national standard, using the form stated in Annex IX, enclosed to the Circular No. 05/2013/TT-BVHTTDL dated July 29, 2013 providing for the establishment of national standards and technical regulation by Ministry of Culture, Sports and Tourism.

Ten (10) sets of application dossiers shall be submitted for appraisal.”.

3. Point a Clause 1 Article 12 is amended as follows:

“a) An appraisal council may be comprised of from seven (07) to nine (09) persons, including a chairperson and other members, consisting of:

- Representatives of affiliates of Ministry of Culture, Sports and Tourism in connection with subjects for which the national standard is established (they must constitute at least a half of members of the appraisal council).

- Reputable experts who work inside or outside the Ministry, possess appropriate qualifications and have a wide knowledge about groups of subjects in the national standard.

- Representatives of specialized bodies affiliated to Ministry of Culture, Sports and Tourism and representatives of the Directorate for Standards, Metrology, and Quality directly under Ministry of Science and Technology.

Members of specialized technical sub-boards are not appointed to the appraisal council.”.

4. Point h is supplemented to Clause 2 Article 2 of Annex VII:

“h) Party B shall assume responsibility for contents and results of researches done to establish national standards or national technical regulations under approved projects.”.

5. The phrase “Trang tin Điện tử của Bộ Văn hóa, Thể thao và Du lịch” shall be replaced by the phrase “Công thông tin Điện tử Bộ Văn hóa, Thể thao và Du lịch” and the phrase “Ban kỹ thuật” shall be replaced by the phrase “Tiểu ban kỹ thuật chuyên ngành” in the whole document.

Article 5. Effect

1. This Circular takes effect as of August 15, 2016.

2. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Culture, Sports and Tourism for consideration./.

MINISTER

Nguyen Ngoc Thien

ANNEX I

(Enclosed to the Circular No. 04/2016/TT-BVHTTDL dated June 29, 2016 by Minister of Culture, Sports and Tourism)

APPLICATION FOR ISSUANCE/RE-ISSUANCE OF CERTIFICATE OF ORGANIZATION IN CHARGE OF VERIFYING COPYRIGHT AND RELEVANT RIGHTS

To: The Copyright Office of Vietnam

1 The applicant's information			
Name of the applicant:			
Establishment decision/ Certificate of operation No.:		Issued date:	
Issuing authority:			
Address:			
Tel.:	Fax:	Email:	
2 REQUESTING CONTENTS			
<input type="checkbox"/> Initial issuance of certificate			
<input type="checkbox"/> Re-issuance of certificate	Number of the issued certificate:		
Reasons for re-issuance: <input type="checkbox"/> The issued certificate is lost			
<input type="checkbox"/> The issued certificate is damaged <input type="checkbox"/> There is change in information in the issued certificate			
3 LIST OF VERIFIERS OF THE VERIFYING ORGANIZATION			
No.	Full name	Number of verifier's card	Professional competence
4 RE-ISSUANCE DUE TO CHANGE IN INFORMATION IN THE ISSUED CERTIFICATE			
Number of the issued certificate:			
Name of the verifying organization:			
Establishment decision/ Certificate of operation No.:		Issued date:	
Issuing authority:			
Address:			
Tel.:	Fax:	Email:	
The list of verifiers:			
No.	Full name	Number of verifier's card	Professional competence

5 DOCUMENTS INCLUDED IN THE APPLICATION <input type="checkbox"/> The application form <input type="checkbox"/> Certified copy of establishment decision/ Certificate of operation: <input type="checkbox"/> Certified copies of recruitment decisions or employment contracts <input type="checkbox"/> The issued certificate of verifying organization		THE APPLICATION CONSISTS OF THE FOLLOWING DOCUMENTS <i>(For application-receiving officer's use)</i> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> Application-receiving officer <i>(signature and full name)</i> </div>	
6 APPLICANT'S COMMITMENT I undertake that information and documents included in this application are accurate and I shall bear responsibility for them before the law. <div style="text-align: center;"> <i>Made at.....[place], on.....[date]</i> <i>applicant</i> <i>(signature, full name, position and seal)</i> </div>			

ANNEX II

(Enclosed to the Circular No. 04/2016/TT-BVHTTDL dated June 29, 2016 by Minister of Culture, Sports and Tourism)

NAME OF ENTERPRISE
**TOURIST ACCOMODATION
 ESTABLISHMENT**

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

.....[place], on.....[date]

APPLICATION FORM FOR RE-CLASSIFICATION OF TOURIST ACCOMMODATION ESTABLISHMENT

To: - Vietnam National Administration of Tourism
(For 3-star rating or luxury rating)
 - Department of Culture, Sports and Tourism/ Department of
 Tourism of Province (City).....

In order to implement the Circular No. 88/2008/TT-BVHTTDL dated December 31, 2008 by Minister of Culture, Sports and Tourism, after studying criteria for rating of tourist accommodation establishments, we do submit this application to (*) to consider and make re-classification of our tourist accommodation establishment.

1. General information about the tourist accommodation establishment

- Type and name of the tourist accommodation establishment:
- Address:
- Tel.: Fax: Email: Website:
- Time of starting business activities:
- Recognized class/rating:..... under Decision No.:.....
 dated...../...../.....

2. Facilities

- Total initial investment:
- Total additional investment:
- Total area of premises (m²):
- Total building area of premises (m²):
- Total rooms: Average capacity of rooms (%):

No.	Type of room	Number of rooms	Room price	
			VND	USD
1				
2				
...				

- Services in the tourist accommodation establishment:

.....
3. Managers and attendants

- Total:

Where:

Direct:

Front office:

Kitchen:

Indirect:

Housekeeping:

Other:

Board of Directors:

Waiting staff, bartender:

- Qualifications:

Postgraduate:

Bachelor:

College:

Intermediate-level training

Basic-level training:

High school:

- Attending professional improvement courses (%):

- Foreign language (%):

- Requested rating:

We undertake that we shall ensure our quality and strictly comply regulated standards./.

**ENTERPRISE'S DIRECTOR OF OWNER
OF TOURIST
ACCOMMODATION ESTABLISHMENT**
(Signature, seal and full name)

Note: (*) Head of competent tourism authority that is competent to make classification.

ANNEX III

(Enclosed to the Circular No. 04/2016/TT-BVHTTDL dated June 29, 2016 by Minister of Culture, Sports and Tourism)

NAME OF ENTERPRISE
Name of tourist accomodation
establishment

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

.....[place], on.....[date]

APPLICATION FOR ISSUANCE OF CERTIFICATE OF STANDARD TOURIST SERVICE

To: Department of Culture, Sports and Tourism/ Department of Tourism of Province (City).....

- Name of the establishment providing foods and drinks or shopping service:

- Address:

- Tel.:

Fax:

Email:

Website:

- Number of business registration certificate:

Issued date:

Issuing authority:

- Time of starting business activities:

- Managers and attendants

- This application is submitted for the issuance of certificate of standard tourist service.

We undertake that we shall ensure our quality and strictly comply regulated standards./.

**DIRECTOR OF OWNER OF TOURIST
ACCOMMODATION ESTABLISHMENT**

(Signature, seal and full name)

CC:

- As above;

- Archives.