

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, February 17, 2017

DECREE

**DEFINING THE FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE
OF THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT**

Pursuant to the June 19, 2015 Law on Organization of the Government;

Pursuant to the Government's Decree No. 123/2016/ND-CP of September 1, 2016, defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies;

At the proposal of the Minister of Agriculture and Rural Development,

The Government promulgates the Decree defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development.

Article 1. Position and functions

The Ministry of Agriculture and Rural Development is a governmental agency performing the function of state management of the sectors and fields of agriculture, forestry, salt production, fisheries, irrigation, natural disaster prevention and control, and rural development; and state management of public services in the sectors and fields under its management as prescribed by law.

Article 2. Tasks and powers

The Ministry of Agriculture and Rural Development shall perform the tasks and exercise the powers defined in the Government's Decree No. 123/2016/ND-CP of September 1, 2016, defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies, and the following specific tasks and powers:

1. To submit to the Government draft laws and resolutions of the National Assembly, draft ordinances and resolutions of the Standing Committee of the National Assembly, and draft decrees of the Government under the Ministry's approved annual law-making programs and plans, and resolutions, mechanisms, policies, projects, schemes and other legal documents under the Ministry's state management as assigned by the Government or Prime Minister.
2. To submit to the Government and Prime Minister development strategies and master plans and long-term, medium-term and annual plans; and important national projects and works in the sectors and fields under its management.
3. To submit to the Prime Minister draft decisions, directives and other documents to be promulgated by the Prime Minister.
4. To approve development strategies, master plans and programs in the sectors and fields under its management as decentralized or authorized by the Government or Prime Minister.
5. To promulgate circulars, decisions, directives, national technical regulations, processes, rules, and techno-economic norms; to develop national standards for the management of the sectors

and fields under the Ministry's state management in accordance with law; to guide and inspect the implementation of these documents.

6. To publicize, direct, guide, examine, inspect, evaluate, review, report and take responsibility for, the implementation of approved mechanisms, policies, strategies, master plans and plans under its state management; to disseminate and educate about the laws concerning the sectors and fields under its state management.

7. To examine legal documents promulgated by other ministries, provincial-level People's Councils or People's Committees relating to the sectors or fields under the Ministry's state management; if detecting any of these legal documents is contrary to legal documents in the sectors or fields under its management, to handle them in accordance with law.

8. Regarding crop production and plant protection:

a/ To direct the formulation and examine the implementation of master plans on development of areas for cultivation and production of safe agricultural products; plans on use, protection and improvement of agricultural soil fertility; and plans on control of soil erosion, desertization and landslide;

b/ To direct and guide the use of budgets for programs on prevention, control, and remedy of consequences of, plant epidemics;

c/ To direct the structuring of plants; farming, harvesting and preservation techniques; and review and evaluation of the implementation of annual crop production plans;

d/ To direct the examination of the preservation, storage and exploitation of genetic resources of plants in accordance with law;

dd/ To perform the state management of fertilizers in accordance with law; e/ To perform the state management of agricultural plant varieties, plant quarantine, plant protection and pesticides in accordance with law.

9. Regarding livestock husbandry and animal health:

a/ To direct the formulation and inspect the implementation of master plans on consolidated livestock husbandry areas with safe livestock products;

b/ To direct and guide the use of budgets for programs on prevention, control, and remedy of consequences of, animal epidemics;

c/ To direct the structuring of livestock; livestock husbandry techniques; and review and evaluation of the implementation of annual livestock husbandry plans;

d/ To direct and inspect the preservation, storage and exploitation of genetic sources of livestock in accordance with law;

dd/ To direct, guide and inspect the performance of tasks of state management of agricultural animal breeds, feeds, veterinary drugs and animal health activities in accordance with law.

10. Regarding fisheries:

a/ To direct and guide the implementation of fisheries development mechanisms and policies decided by competent authorities;

b/ To direct, guide and inspect the implementation of regulations on management of marine conservation zones and inland water conservation zones related to fisheries resources in accordance with law;

c/ To guide and inspect provinces and centrally run cities in implementing master plans on exploitation, protection and development of fisheries resources; and regulations on management of fishing vessel safety and information on natural disaster prevention and control for fishermen and fishing vessels at sea; and in exploiting, protecting and developing fisheries resources in accordance with law;

d/ To direct, guide and inspect the implementation of master plans on consolidated aquaculture zones; environmental monitoring and warning in aquaculture; aquaculture processes, techniques and seasons; quarantine, prevention and control of aquatic epidemics;

dd/ To provide a list of aquatic species to be conserved, protected or re-generated; measures for protecting aquatic bio-systems and conserving gene funds and aquatic biodiversity in accordance with law;

e/ To perform the state management of fisheries resources surveillance in accordance with the law;

g/ To direct the performance of tasks of state management of aquatic breeds and aquaculture feeds; chemicals, biologicals and microorganisms for environmental improvement in aquaculture in accordance with law;

h/ To perform the state management of fishery technical infrastructure and logistics services.

11. Regarding salt production:

a/ To direct, guide and inspect production and harvesting techniques and review and evaluation of the implementation of annual salt production plans;

b/ To promulgate, and inspect the implementation of, national technical regulations and processes on the production and processing of salt and salt products (excluding medical salt).

12. Regarding forestry:

a/ To direct, guide and inspect the implementation of the Government's and the Prime Minister's regulations on forestry development mechanisms and policies; forest management regulations, regulations on management and protection of endangered and rare and precious forest fauna and flora species and the list of these species in accordance with law;

To assume the prime responsibility for, and coordinate with related ministries and sectors, in managing special-use forests, protecting the forest ecosystem and forest species and conserving the nature in accordance with law;

To propose the Prime Minister to establish a master plan on the systems of protection forests and special-use forests of national or inter-provincial importance and the change of their use purposes;

b/ To direct, guide and inspect combined forestry-agricultural-fisheries production in forests in accordance with law;

c/ To direct the implementation of the policy on payment for forest environment services in accordance with law;

d/ To direct the performance of tasks of state management of forest development, protection and use; exploitation of forest products; forest production associated with processing and sale of forest products; and forest plant varieties in accordance with law.

13. Regarding irrigation:

a/ To perform tasks of state management of exploitation and protection of irrigation works in accordance with law;

b/ To direct, guide and examine basic surveys, strategies, master plans, plans, programs, schemes, projects, policies and laws on irrigation and rural clean water; investment in the construction, repair and upgrade of irrigation and clean water works in rural areas; and operation of irrigation reservoirs and works in accordance with law;

c/ To direct, guide and examine the elaboration, approval and implementation of irrigation master plans for agriculture and for multiple socio-economic purposes in accordance with law;

d/ To approve master plans on irrigation and rural clean water supply involving two or more provinces, irrigation systems and technically complex or large irrigation works within a province to serve water supply and drainage; prevention and control of drought and saltwater intrusion; soil improvement and anti-desertification; and rural water supply in accordance with law;

dd/ To direct, guide and examine technical processes and policies on irrigation and drainage; irrigation and drainage management, management of exploitation of irrigation works; to guide and inspect the implementation of regulations on discharge of wastewater into irrigation works;

e/ To direct, guide and examine the approval of provincial master plans on irrigation, irrigation work systems, clean water and rural environmental sanitation in accordance with law;

g/ To direct, guide and examine the prevention, control and remedy of consequences of drought, saltwater intrusion, inundation and desertification; to organize the monitoring, forecast and warning of drought, saltwater intrusion, inundation, and the volume and quality of water in irrigation work systems in accordance with law;

h/ To direct, guide and examine plans on protection of irrigation works and scope of protection of irrigation works;

i/ To direct, guide and examine the elaboration of plans on construction, management of exploitation, use and protection of rural water supply and drainage works;

k/ To perform tasks of state management of dam and irrigation reservoir safety in accordance with law; to perform the tasks under the Ministry's state management as prescribed in the Law on Water Resources and other laws.

14. Regarding natural disaster prevention and control:

a/ To direct, guide and examine the implementation of strategies, master plans, plans, programs, schemes, projects, policies and laws on natural disaster prevention and control;

b/ To direct, guide and examine the implementation of laws on mechanisms and policies, human resources, supplies, facilities, equipment, information systems, essential commodities and resources for natural disaster prevention and control;

c/ To guide and examine the elaboration, approval and implementation of anti-natural disaster plans; to examine anti-natural disaster options in socio-economic development plans and projects of localities, ministries and sectors;

d/ To guide, summarize, evaluate, make and publicize statistics on damage caused by natural disasters; to guide and examine the monitoring and supervision of activities related to anti-natural disaster works and measures in accordance with law;

dd/ To organize information, communication and education to raise community awareness about natural disaster prevention and control;

e/ To perform tasks of state management of anti-flood master plans of diked rivers and dike master plans; investment in dike construction, repair, upgrading and solidification; dike management and protection, dike protection corridor management and dike use in accordance with the Law on Dikes and other laws; to approve master plans on prevention and control of floods, inundation, riparian and coastal landslide in accordance with law;

g/ To manage the construction, consolidation and protection of anti-natural disaster works in accordance with law;

h/ To perform tasks of state management of natural disaster prevention and control in accordance with the Law on Dikes, the Law on Natural Disaster Prevention and Control, the Law on Water Resources and other laws.

15. Regarding rural development:

a/ To direct and deploy the implementation of the national target program on building a new countryside; and the program of action for no hunger in Vietnam as assigned by the Government;

b/ To synthesize and submit to the Prime Minister for approval integrated rural development programs; and strategies for development of rural trades and craft villages with the participation of households and cooperatives in communes;

c/ To organize and examine the implementation of master plans, programs, mechanisms and policies on development of agricultural electromechanics; rural trades and craft village with the participation of households and cooperatives after they are approved by competent authorities;

d/ To assume the prime responsibility for, guide and examine the population distribution and resettlement of inhabitants for the construction of irrigation and hydropower works; population distribution and resettlement of inhabitants in natural disaster-prone, extremely disadvantaged, border and island areas, and areas affected by sea level rise due to climate change, areas with free migrants, and important and very important areas of protection forests and special-use forests; to direct, guide and examine the sedentary farming and population distribution in rural areas and ethnic minority and mountainous areas according to national socio-economic development master plans;

dd/ To direct, guide and examine the organization of agricultural vocational training for rural labor in accordance with law;

e/ To direct, guide and examine programs and projects on construction of rural infrastructure works in accordance with specialized laws.

16. Regarding food safety of agricultural, forest, fishery and salt products:

a/ To direct, organize, guide, examine and supervise the implementation of the law on food safety for initial production of agricultural, forest, fishery and salt products under the Ministry's state management;

b/ To direct, organize, guide, inspect and supervise the implementation of the law on food safety throughout the production, collection, slaughtering, preliminary processing, processing, preservation, transportation, export, import and trading of cereals; meat and meat products; seafood and aquatic products; vegetables, tubers, fruits and vegetable, tuber and fruit products; eggs and egg products; raw fresh milk; honey and honey products; genetically modified food; salt; food seasoning; sugar; tea; coffee; cocoa; pepper; cashew nuts and agricultural food; devices and materials for wrapping and containing food under the Ministry's management; to manage food safety for agricultural product wholesale and auction markets;

c/ To assume the prime responsibility for managing food safety at establishments producing various food products under the management of both the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade;

d/ To organize supervision, risk assessment, warning, prevention, control and remedy of food safety incidents with regard to food products under the Ministry's management; to inspect and supervise the traceability of origin, recall and disposal of unsafe food under the Ministry's management;

dd/ To grant and revoke certificates of genetically modified organisms eligible for use as food; to certify advertising contents of products under the Ministry's management;

e/ To appoint testing units and cross-checking units; to publicize testing results of food products under the Ministry's management.

17. Regarding quality management of varieties and breeds, supplies and agricultural, forestry, salt and fishery products and irrigation works and dikes:

a/ To organize and examine the implementation of mechanisms, policies, strategies, master plans, plans and programs on development and quality improvement of products and goods under the Ministry's management;

b/ To promulgate a list of likely unsafe goods and products (goods and products of group 2) under the Ministry's management;

c/ To appoint and manage activities of product and goods quality conformity assessment organizations under the Ministry's management.

18. Regarding preservation, processing and transportation of agricultural, forest, fishery and salt products:

a/ To direct, guide and examine the implementation of master plans, programs, mechanisms and policies on development of the processing industry associated with production and market; to provide support to reduce post-harvest loss of commodities under the Ministry's state management;

b/ To guide and examine the implementation of regulations on safety assurance conditions for preliminary processing, preservation and processing establishments under the Ministry's management;

c/ To guide the transportation of goods subject to specialized management in agriculture, forestry, fisheries and salt production.

19. Regarding agricultural product trade:

a/ To coordinate with the Ministry of Industry and Trade in developing mechanisms and policies for development of trade and markets for agricultural products; trade promotion plans and programs; and the national brand name program for agricultural, forest, fishery and salt products;

b/ To direct, guide and organize the implementation of market analysis and forecast activities, trade promotion activities and activities related to the national brand name program for agricultural, forest, fishery and salt products under the Ministry's management;

c/ To promulgate a specific list of goods banned from import and export; and a list of exports and imports subject to the Ministry's specialized management as prescribed by law;

d/ To coordinate with the Ministry of Industry and Trade in organizing the application of safeguard and self-defense measures for Vietnamese agricultural exports abroad and against foreign agricultural imports to Vietnam.

20. Regarding management of investment and construction investment:

a/ To direct, guide, examine and supervise investment activities and construction investment activities; and construction activities in accordance with law;

b/ To perform the state management of construction investment and quality management of works in the sectors and fields under the Ministry's state management in accordance with law;

c/ To appraise contents of prefeasibility and feasibility study reports on programs, projects and schemes in the sectors and fields under the Ministry's management.

To approve investment policy, decide on investment in, approve designs, cost estimates and settlement, and manage bidding, of programs and projects under the Ministry's competence in accordance with law;

d/ To guide, monitor, supervise, evaluate, examine and inspect investment and construction programs and projects under the competence of the Ministry in accordance with law;

dd/ To organize the overall monitoring and evaluation of investment; to monitor and evaluate construction investment and specialized investment projects in the sectors and fields under the Ministry's management in accordance with law.

21. Regarding enterprises, cooperatives and other forms of collective and private economies:

a/ To submit to the Government for promulgation mechanisms and policies to encourage and support economic activities of households, farms, cooperatives, cooperative groups, cooperative unions and joint production in the sectors and fields under the Ministry's state management;

To coordinate with the Ministry of Planning and Investment and related ministries and sectors in developing mechanisms and policies to encourage, support and direct the development of enterprises investing in agriculture and rural areas;

b/ To guide and inspect the implementation of regulations on conditional production and business lines on the list issued by the Government, and handle violations in accordance with its competence;

c/ To perform the state management of cooperative groups, cooperatives and cooperative unions in the sectors and fields under the Ministry's state management;

d/ To exercise the rights and perform the responsibilities of the state owner toward enterprises as assigned by the Government and in accordance with the Law on Management and Use of State Capital Invested in Production and Business at Enterprises, the Enterprise Law and other laws.

22. To manage national reserves of plant varieties, pesticides, veterinary drugs and other goods as assigned by the Government.

23. Regarding science and technology:

a/ To direct science and technology activities in the sectors and fields under the Ministry's state management;

b/ To direct the performance of state management of the rights to plant varieties in accordance with the law on intellectual property;

c/ To direct the performance of tasks of state management of high technology in agriculture in accordance with the law on high technology.

24. Regarding agricultural extension:

a/ To propose competent authorities to promulgate or promulgate according to its competence mechanisms, policies and strategies for agricultural extension; and socialization of agricultural extension activities;

b/ To guide and examine the implementation of regulations on agricultural extension;

c/ To develop plans on and organize central-level agricultural extension activities; to manage central-level funds for agricultural extension in accordance with law.

25. Regarding environmental protection, climate change and biodiversity:

a/ To direct the performance of state management of environmental protection for activities in the sectors and fields under the Ministry's management in accordance with law;

b / To direct the performance of tasks of state management of biodiversity and biology safety in the sectors and fields under the Ministry's management in accordance with law;

c/ To direct and perform the task of response to climate change and sea level rise under the Ministry's state management as assigned by the Government or Prime Minister.

26. To direct, guide and organize investment promotion activities in the sectors and fields under the Ministry's state management.

27. To inspect the technical safety of machinery, equipment, supplies and substances subject to strict occupational safety requirements in activities of the sectors and fields under the Ministry's management in accordance with law.

28. To carry out international cooperation and global economic integration in the sectors and fields under the Ministry's state management in accordance with law.

29. To decide on, and direct the implementation of, its administrative reform program in line with the objectives and contents of the state administrative reform program approved by the Prime Minister; to propose or decide according to its competence on the decentralization of the state management of sectors and fields to local administrations.

30. Regarding management of organization and provision of public services:

a/ To submit to the Government for promulgation mechanisms and policies on provision of public services; and on socialization of public services in the sectors and fields under the Ministry's management;

b/ To submit to the Prime Minister a master plan on the network of non-business and public-service organizations; and a list of state-funded public non-business services in the sectors and fields under the Ministry's management;

c/ To promulgate techno-economic norms applicable to state-managed public non-business services; regulations on bidding, placement of orders for, and assignment of public non-business services; quality criteria and standards and mechanisms for monitoring, evaluation and quality inspection of public non-business services; and operational effectiveness of public non-business units in the sectors and fields under the Ministry's management;

d/ To guide the implementation of policies and laws toward and support public non-business service providers in the sectors and fields under the Ministry's management in accordance with law.

31. To manage associations and non-governmental organizations operating in the sectors or fields under the Ministry's state management in accordance with law.

32. To manage its apparatus and payroll of civil servants, working positions and number of public employees; and the recruitment, training, retraining, management, employment, salary regime, commendation and disciplining of officials, civil servants, public employees and other employees under the Ministry's management and within the Ministry's state management as prescribed by law.

33. To perform inspection and examination; reception of citizens; and settlement of complaints and denunciations; to prevent and control corrupt and negative practices, and handle violations of law related to the sectors and fields in accordance with law.

34. To manage the development and application of information technology, remote sensing and statistical work under the Ministry's state management as prescribed in the Information Technology Law, the Statistics Law and other laws.

35. To manage allocated finance, assets and other resources, and organize the implementation of allocated budgets in accordance with law.

36. To act as the national standing body for natural disaster prevention and control; forest protection and development plans; building of a new countryside; anti-desertification; management of international trade in endangered, rare and precious wild fauna and flora species; and prevention and control of cattle and poultry diseases in accordance with law.

37. To perform other tasks and exercise other powers assigned by the Government or Prime Minister, or as prescribed by law.

Article 3. Organizational structure

1. The Planning Department.

2. The Finance Department.

3. The Science, Technology and Environment Department.

4. The International Cooperation Department.
5. The Legal Affairs Department.
6. The Organization and Personnel Department.
7. The Enterprise Management Department.
8. The Office.
9. The Inspectorate.
10. The Department of Crop Production.
11. The Plant Protection Department.
12. The Department of Livestock Husbandry.
13. The Department of Animal Health.
14. The Department of Work Construction Management.
15. The Department of Cooperatives and Rural Development.
16. The National Agro-Forestry-Fisheries Quality Assurance Department.
17. The Department of Agricultural Product Processing and Market Development.
18. Vietnam Administration of Forestry.
19. The Directorate of Fisheries.
20. The Water Resources Directorate.
21. The Directorate of Natural Disaster Prevention and Control.
22. The Institute of Policy and Strategy for Agriculture and Rural Development.
23. The College for Administrators of Agriculture and Rural Development I.
24. The College for Administrators of Agriculture and Rural Development II.
25. The Information Technology and Statistics Center.
26. The Vietnam Agriculture Newspaper.
27. The Agriculture and Rural Development Journal.

The units referred to in Clauses 1 thru 21 of this Article shall assist the Minister in performing the state management function; the units referred to in Clauses 22 thru 27 are public non-business units serving the Ministry's state management function.

The Minister of Agriculture and Rural Development shall submit to the Prime Minister regulations on the functions, tasks, powers and organizational structures of the Water Resources Directorate, Vietnam Administration of Forestry, Directorate of Fisheries and Directorate of Natural Disaster Prevention and Control; and promulgate a list of other public non-business units attached to the Ministry.

The Minister of Agriculture and Rural Development shall define the functions, tasks, powers and organizational structures of units attached to the Ministry, other than those referred to in Clauses 18, 19, 20 and 21 of this Article.

The Organization and Personnel Department may organize 6 divisions; the Science, Technology and Environment Department, 5; and the International Cooperation Department, 4. The Legal Affairs Department may organize the Administrative Procedure Control Division. The Inspectorate may organize 7 divisions; and the Ministry's Office, 10;

The Department of Crop Production may organize an office and 8 divisions;

The Department of Plant Protection may organize an office, 9 divisions and 9 sub-departments;

The Department of Livestock Husbandry may organize an office and 7 divisions;

The Department of Animal Health may organize an office and 9 divisions and 10 sub-departments;

The Department of Work Construction Management may organize an office and 5 divisions;

The Department of Cooperatives and Rural Development may organize an office and 8 divisions;

The National Agro-Forestry-Fisheries Quality Assurance Department may organize an office, 6 divisions and 2 sub-departments

The Department of Agricultural Product Processing and Market Development may organize an office, 7 divisions and 6 sub-departments.

Article 4. Effect

1. This Decree takes effect on the date of its signing.
2. This Decree replaces the Government's Decree No. 199/2013/ND-CP of November 26, 2013, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development; all previous regulations which are contrary to this Decree are hereby annulled.

Article 5. Transitional provisions

The Water Resources Directorate, Vietnam Administration of Forestry and the Directorate of Fisheries shall comply with current regulations until the Prime Minister decides on their functions, tasks, powers and organizational structures.

Article 6. Implementation responsibilities

The Minister of Agricultural and Rural Development, ministers, heads of ministerial- level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.-

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc