

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, July 17, 2020

DECREE

ELABORATION OF THE LAW ON ARCHITECTURE

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

Pursuant to the Law on Architecture dated June 13, 2019;

At the request of the Minister of Construction;

The Government hereby promulgates a Decree on elaboration of the Law on Architecture.

Chapter I

GENERAL

Article 1. Scope

This Decree elaborates contents the Law on Architecture assigned by the National Assembly in Clause 5 Article 13; Clause 5 Article 14 and Clause 1 Article 15; Clause 8 Article 17; Clause 3 Article 22; Clause 3 Article 23; Clause 4 Article 26; Clause 5 Article 29; Clause 4 Article 30 and Clause 3 Article 31 on architectural structures of value; regulations on management of architecture; architectural plan contests; code of professional conduct of practicing architects; ongoing career development; test for architecture practicing certificates; issuance, renewal, revocation and re-issuance of architecture practicing certificates; architecture practice by foreign nationals in Vietnam.

Article 2. Regulated entities

This Decree applies to organizations and individuals during architectural activities and other organizations and individuals involved in architectural activities within the territory of the Socialist Republic of Vietnam.

Chapter II

REGULATIONS ON MANAGEMENT OF ARCHITECTURE

Section 1. ARCHITECTURAL STRUCTURES OF VALUE

Article 3. Criteria for assessing whether architectural structures are of value

1. The criteria concerning the architectural art and landscape value include the following:
 - a) Whether the structure is typical of an architecture type or architectural style;
 - b) The value of the architectural art of the structure itself and the overall space within the structure;
 - c) The structure's value in connection with the landscape, the structure's contribution to the urban landscape, scenic landscape or natural landscape;

d) The technical value, the value of the construction technology and the value of use of building materials.

2. The criteria concerning historical and cultural value include the following:

a) Whether the structure is typical of a historical period;

b) The structure's connection with the typical characteristics and nature of the local culture;

c) The age and service life of the structure.

3. Table of points for assessing whether an architectural structure is of value is provided in the Appendix I hereof.

Article 4. Classification of architectural structures of value

1. Architectural structures of value are classified into the 03 following categories:

Category I structures, which satisfy two criteria concerning architectural art and landscape value and concerning historical and cultural value; such structures must be awarded at least 80 points for the criterion concerning architectural art and landscape value,. Category II structures, which satisfy the two criteria; category III structures, which satisfy one of the criteria.

2. Every People's Committee of the province or central-affiliated city (hereinafter referred to as "the provincial People's Committee") shall, according to Clause 1 of this Article, classify and decide measures and funding for management, protection and upholding value of architectural structures.

Article 5. Sequence of compiling, appraising, approving and adjusting the list of architectural structures of value

1. The provincial People's Committee shall authorize the specialized architecture agency affiliated to the provincial People's Committee or the district-level People's Committee to compile or adjust the list of architectural structures of value.

2. A list of architectural structures of value shall be compiled as follows:

a) The agency compiling the list of architectural structures of value shall take charge and cooperate with the specialized culture agency affiliated to the provincial People's Committee or the district People's Committee in reviewing and assessing archives of architectural structures to compile a list of architectural structures of value within the province or district, and submit it to the provincial People's Committee for approval.

b) Any organization or individual that suggests a structure to be included in the list of architectural structures of value shall send a written request together with the archive of the architectural structure to the specialized architecture agency affiliated to the provincial People's Committee for review and assessment purposes.

c) The archive of an architectural structure shall contain the history and assessment of value of the structure; photos of the current status and historical photos of the structure (if any); general plan, storey plan, elevation and section drawing and sections; photos and drawings showing details of the decoration (if any) and clarifying the value of the structure.

d) Documents concerning the list of architectural structures of value shall consist of a draft statement; a list of architectural structures of value and enclosed appendices; a description of contents suggested being included in the list; archive of each architectural structure enclosed

with relevant documents; proposed measures to manage, protect and uphold value of structures and funding for implementation thereof.

dd) The agency compiling the list of architectural structures of value shall seek written opinions from the provincial architectural advisory council and other relevant organizations and individuals about the archive of each architectural structure and the list of architectural structures of value as prescribed in Clause 3 Article 13 of the Law on Architecture within 15 days if opinions are sought from agencies or within 30 days if opinions are sought from relevant organizations and individuals.

3. The list of architectural structures of value shall be appraised as follows:

a) The provincial People's Committee shall decide to establish an appraisal council. The appraisal council shall be composed of representatives of the regulatory agency, professional associations and experts in architectural and cultural fields and relevant organizations and individuals.

b) The appraisal council shall appraise the list of architectural structures of value according to the criteria set out in Articles 3 and 4 hereof.

4. The agency compiling the list of architectural structures of value shall, according to the appraisal results, receive, explain and complete the documentation and submit it to the provincial People's Committee for approval for the list.

5. The time limit for appraising the list of architectural structures of value is 20 days from receipt of sufficient and valid document and the time limit for approving such list is 15 days from the date on which the documentation is completed according to the appraisal results.

6. The list of architectural structures of value shall be adjusted as follows:

a) The agency compiling the list shall annually review and assess architectural structures of value within its province or district, submit a report to the provincial People's Committee for decision on adjustment to the list in a manner that is relevant to the actual situation and conditions.

b) Opinions on the contents to be adjusted in the list shall be sought and such contents shall be appraised or approved in accordance with the sequence and time limit specified in Point dd Clause 1, Clause 2, Clause 3, Clause 4 and Clause 5 of this Article; and the contents on the list which have been approved but are not adjusted shall retain their legal validity.

Section 2. REGULATIONS ON MANAGEMENT OF ARCHITECTURE

Article 6. Sequence of making, appraising and promulgating regulations on management of architecture

1. Make regulations on management of architecture.
2. Appraise regulations on management of architecture.
3. Approve and promulgate regulations on management of architecture.
4. Announce regulations on management of architecture.

Article 7. Time limit for making, appraising, approving and promulgating regulations on management of architecture

1. The time limit for making regulations on management of architecture is 15 months in the case of central-affiliated cities; in the remaining cases, 12 months from the date of assigning the task of making the regulations.
2. The time limit for making regulations on management of architecture is 30 days in the case of central-affiliated cities; in the remaining cases, 20 days from receipt of a valid application.
3. The time limit for approving and making regulations on management of architecture is 10 days from the date on which the People's Committee at the same level approves such regulations.

Article 8. Making regulations on management of architecture

1. The provincial People's Committee shall authorize the specialized architecture agency affiliated to the provincial People's Committee or the district-level People's Committee to make regulations on management of architecture.

2. Steps in making regulations on management of architecture:

a) Investigate the status quo and conduct a site survey; collect maps, document and data on natural conditions, types of natural disasters that frequently occur in the region, planning and urban design (if any) and relevant documents and legal bases to give grounds for making regulations on management of architecture;

b) Draft regulations on management of architecture;

c) Seek opinions from relevant agencies, organizations and individuals about the draft regulations on management of architecture. The time limit for seeking opinions is 15 days if opinions are sought from agencies, and 30 days if opinions are sought from organizations, individuals and residential communities.

3. An application for appraisal of regulations on management of architecture is composed of:

a) A statement;

b) Draft regulations on management of architecture and appendices hereto (if any);

c) A description of the contents suggested being included in the regulations;

d) A consolidated report on responses to opinions and copies of written opinions;

dd) Legal documents and relevant documents;

e) Draft decision on approval for regulations on management of architecture.

Article 9. Appraising, approving and promulgating regulations on management of architecture

1. The appraisal shall focus on:

a) Conformity of the regulations with principles of architectural activities specified in Article 4 of the Law on Architecture;

b) Compliance of the regulations with Clause 2 Article 14 of the Law on Architecture;

c) Compliance with Articles 12 and 13 hereof.

2. The specialized architecture agency affiliated to the provincial People's Committee shall organize appraisal of the regulations. During the appraisal, the agency shall seek written opinions

from relevant agencies and organizations and establish a council to carry out the appraisal and prepare an appraisal report. Agencies requested to give their opinions shall give their opinions within 15 days from receipt of the written request.

3. The appraisal report shall specify opinions of the appraisal council about the contents mentioned in Clause 1 of this Article and conclude whether the regulations are satisfactory to be submitted for approval.

4. An application for approval and promulgation of the regulations includes the application for appraisal of the regulations completed according to the appraisal opinions and the report on responses to appraisal opinions enclosed with the appraisal report.

5. Regarding the regulations on management of architecture applicable to a rural settlement, the provincial People's Committee may authorize a district-level People's Committee to approve and promulgate such regulations.

Article 10. Seeking opinions about regulations on management of architecture

1. Opinions about regulations on management of architecture shall be sought using one or more of the following methods:

- a) Sending written request for opinions, questionnaires or feedback forms;
- b) Organizing conferences and seminars;
- c) Seeking opinions via websites of relevant agencies;
- d) Public display or introduction on the mass media.

2. Opinions must be consolidated in a sufficient manner, responded to and reported to a competent authority for consideration and decision.

Article 11. Announcing regulations on management of architecture.

1. The agency making regulations on management of architecture shall announce such regulations

2. Within 15 days from the date on which the regulations on management of architecture are promulgated, all contents of the regulations must be made publicly available, except for the contents related to the state secrets in accordance with regulations of the law on protection of state secrets.

3. Regulations on management of architecture shall be promulgated using one or more of the following methods:

- a) Via the website of the provincial People's Committee and the agency making the regulations;
- b) Via mass media;
- c) Through conferences or seminars on announcement and dissemination of contents of the regulations;
- d) Releasing a publication on the regulations.

Article 12. Contents of regulations on management of architecture

Regulations on management of architecture shall contain at least:

1. General provisions:

- a) Provisions on management of architecture applicable to all areas covered by the regulations: overall scope and boundary covered by the regulations;
- b) Criteria concerning the general urban planning and subdivision planning (if any) approved by the competent authority, national or local technical regulations and standards applied;
- c) Orientations for control of space, architecture and landscape of the entire urban area;
- d) Areas that require separate urban design; location and scale of works for which a design plan contest needs to be held;
- dd) Provisions on architecture of works with a view to satisfaction of requirements for natural disaster management and climate change resilience.

2. Specific provisions:

- a) Provisions on architecture applicable each area within an urban area by administrative divisions, functions or nature; applicable to protected areas;
- b) Provisions on architecture of specific routes, squares, centers and gateways to the urban area; arrangement of signboards, advertisements and urban utilities; areas where architectural renovation priority is given, and implementation plan; areas subject to special management requirements; rural areas within the urban area;
- c) Provisions on color and building materials; requirements on elevation, roof and 1st storey of the structure;
- d) Provisions on management of architecture of residential houses, public works and urban public utility facilities, industrial works and technical infrastructure premises;
- dd) Provisions on management and protection of architectural structures of value;

3. Determining requirements concerning national cultural identity in architecture:

- a) Specific factors with respect to natural, economic and cultural conditions and local customs related to the architectural identity;
- b) Typical architectural forms; construction techniques and use of local traditional building materials;
- c) Selection of an architectural plan or orientation that maintains the national cultural identity during construction and renovation of architectural structures.

4. The contents specified in Points e, g and h Clause 3 Article 14 of the Law on Architecture.

5. Guidelines for the regulations on management of urban architecture are provided in Section 1 Appendix II hereof.

Article 13. Contents of regulations on management of architecture of rural settlements

1. Regulations on management of architecture of a rural settlement shall contain at least:

- a) Provisions on overall scope and boundaries covered by the regulations;
- b) General orientation for architecture and landscape of the entire rural settlement;

- c) Determining the national cultural identity in architecture of the rural settlement as prescribed in Clause 3 Article 12 of this Decree;
- d) Specific provisions applicable to the center of the rural settlement, inter-commune roads, main roads, inter-village roads and landscape of the protected area; areas where villages are concentrated, areas developed along roads, rivers or water surfaces;
- dd) Provisions applicable to public works: architecture of offices, health facilities, educational institutions, culture and sports facilities;
- e) Provisions applicable to residential houses: constructed according to the norms set out in the approved planning for rural area development;
- g) The provisions set out in Points dd, e, g and h Clause 3 Article 14 of the Law on Architecture and Point d Clause 1 Article 12 of this Decree.

2. Regulations on management of architecture of a rural settlement shall be separately made as prescribed in Clause 1 of this Article or incorporated into the general planning for commune development.

2. Guidelines for the regulations on management of the rural settlement are provided in Section 2 Appendix II hereof.

Article 14. Reviewing and assessing implementation of regulations on management of architecture

1. The agency making regulations on management of architecture shall review the regulations and assess implementation thereof every 05 years or on an unscheduled basis. The review and assessment results shall be reported in writing to the agency approving the regulations and the Ministry of Construction with respect to the urban area of Class I or higher.
2. The report on review of regulations on management of architecture serves as one of the bases for deciding to adjust the regulations.
3. Contents of review and assessment of implementation of the regulations:
 - a) Review of the current status and implementation of the regulations and construction projects within the scope of the regulations.
 - b) Assessment of the objectives achieved, and impacts and effectiveness of implementation of the approved regulations.
 - c) Review and analysis of new factors during management of architecture, conformity and consistency of the regulations with relevant planning and plan for socio – economic development in the area covered by the regulations.
 - d) Suggestions and proposals.
4. Documents concerning the reporting of review of the regulations include a written report, colored drawings on an appropriate scale and relevant legal documents.

Article 15. Measures to organize implementation of regulations on management of architecture

1. Measures to organize implementation of regulations on management of architecture include:
 - a) Promulgating documents and plans for implementation of the regulations;

- b) Disseminating the regulations;
- c) Supervising the implementation, carrying out inspections and taking actions against violations of the regulations;
- d) Encouraging organizations and individuals to supervise the implementation of the regulations;
- dd) Providing human resources, infrastructure facilities and funding for making and implementing the regulations.

2. People's Committees at all levels shall organize implementation of the measures mentioned in Clause 1 of this Article in a timely and effective manner.

3. The funding for making and organizing implementation of the regulations on management of architecture is as follows:

a) The funding for making and organizing implementation of the regulations shall be covered by the state budget in accordance with the Law on State Budget and its applicable guiding documents.

b) The Ministry of Construction shall promulgate a method of determining costs of making and organizing implementation of the regulations.

c) People's Committees at all levels shall balance the sources of funding covered by the local government budget in order to make and implement the regulations within their areas.

d) The head of an agency shall manage the state funding for making and organizing implementation of the regulations; control the advancing, payment and preparation of final accounts in accordance with applicable regulations. Relevant agencies shall cooperate in inspection and supervision.

dd) If a consultancy is hired to make regulations on management of architecture, regulations of the law on bidding and relevant laws shall be complied with.

Section 3. ARCHITECTURAL PLAN CONTESTS

Article 16. Forms of architectural plan contests

1. An open contest, which is held without any limitation on the number of domestic and foreign (where necessary) organizations and individuals participating in the contest.

2. A restricted contest, which is held if there are several participants (but not less than 3) that are able to satisfy the technical requirements or typical characteristics of the structure for which the architectural plan is in the contest.

Article 17. Requirements for holding a contest

1. There is a design task in conformity with the construction planning, urban planning, urban design and regulations on management of architecture approved and promulgated by the competent authority.

2. A contest council is established.

3. The investment decision maker, investor, agency or organization assigned to hold a contest (hereinafter referred to as "the organizer") establishes a technical team to assist the contest council.

4. Within 30 days, information about the contest and contest council and contest results shall be published on one or more mass media or web portals or websites of the central or local architecture agency in the area where the contest is held.

Article 18. Holding a contest

1. Preparatory actions taken before holding a contest:

a) Complete procedures and collect data, legal documents, information about the architecture and planning related to the land reserved for construction of works.

b) Prepare and approve the plan and funding for holding the contest, contest rules and design tasks.

c) Establish a contest council and a technical team.

2. Upon performing design tasks, it is required to provide sufficient legal information about the building site, drawing of the current status, planning criteria, information about the land, purposes, nature and scale of the works; expected total investment; requirements on architecture, functions, technical requirements, connection with the general landscape and other relevant requirements.

3. Contest rules shall contain at least:

a) Form, scale, nature, purposes and requirement of the contest;

b) Regulations on conditions for competing in the contest; criteria, contents and sequence of holding the contest; time and place of the contest; application for the contest and validity of such application;

c) Composition of the contest council and basic information about expertise and experience of the council's members;

d) Costs of holding the contest and bases for calculating costs of design of works;

dd) Structure and value of prize (if any);

e) Rights and responsibilities of relevant parties, and copyright;

g) Contest entry forms;

h) Other issues required by each contest: type of the contest (contest for architectural ideas or for an architectural plan); regulations on contest rounds; actions taken if no optimal plan is found at the end of a contest round; rules for calculating the design costs of the project.

4. An application for the contest is composed of a description, architectural drawings, technical solutions, films, photos and models (if any) and financial proposals. There must be regulations on uniform language for the application (Vietnamese or bilingual), regulations on units of measurement and monetary units, and principles of anonymity which do not allow names and logos of consultancy units or authors to be shown on drawings or descriptions.

Article 19. Architectural plan contest council

1. The contest council shall assess and rank the submitted plans and assist the investor in selecting the optimal architectural plan that satisfies requirements on planning, architecture, culture, socio – economic efficiency, national defense, security and environmental protection for the purpose of producing designs of works.

2. Composition of the contest council:

- a) The council must have an odd number of members and there must be at least 09 members.
- b) The council must have 01 Chair and other members.
- c) At least two-thirds of the council's members must be architects who have knowledge and experience regarding the type of works in the contest. There must be 01 representative from the regulatory agency for planning and architecture and 01 representative from the social or professional organization in practice of architecture.
- d) The Chair of the council must be an expert having experience in designing architecture of multiple works which have been built and must have reputable career in the architecture field. The Chair shall be appointed by the council or invested by the investor.
- dd) Members of the council must be persons who have expertise and experience in the fields of planning, architecture, construction and other relevant fields and work in an objective and upright manner. The organizer may invite foreign experts to join the council (if necessary).

3. Working rules of the council:

- a) The council shall work in accordance with the regulations issued by the council (hereinafter referred to as "council regulations"). The council regulations shall specify rules and methods for assessing and ranking the submitted plans; working regime, tasks, rights and responsibilities of the council. The council regulations must be agreed upon by members. The Chair shall approve the council regulations on behalf of the council.
- b) The council shall only assess and ranks the submitted plans if at least three quarters of the members are present.
- c) The Chair, members and secretaries shall not publish and provide to organizations and individuals not joining the council the information about the issues discussed and conclusions given by the contest council during the assessment and ranking of the submitted plans.
- d) Within 03 days after the point awarding is done, the contest council must send the contest results to the investor so that the investor consider recognizing the results.

4. Responsibilities of the council:

- a) The Chair shall provide instructions on making of the council regulations; and preside over the council during the working time of the council.
- b) Members of the council shall adhere to the working regulations of the council and take legal responsibility for ensuring confidentiality, objectivity and truthfulness, and shall not take any action that produces negative effects on the assessment and ranking results.

Article 20. Assessing and ranking submitted plans and announcing results

1. Submitted designs shall be assessed and ranked in accordance with the methods and criteria set out in the council regulations and the principle of a secret ballot to select a plan in a priority order of 1 - 3. The first-ranked plan is the architectural plan which wins the contest.
2. The assessment and ranking report must be signed by all participating members of the council and sent to the contest organizer, which will submit a consolidated report to the investment decision maker for approval.

3. If no plan satisfies the objectives and requirements set out in the contest rules, the contest shall be re-held.

4. The organizer shall make the results publicly available, award prizes after the contest and send the results to the specialized architecture agency affiliated to the provincial People's Committee.

Article 21. Costs of holding a contest

1. The costs of holding a contest include funding for the council and technical team; amounts of prizes and assistance for contestants and other costs.

2. The contest organizer shall take responsibility for the costs of holding the contest.

Article 22. Rights and responsibilities of organizations and individuals participating in the architectural plan contest

1. The architectural plans in a contest must have their copyright ensured in accordance with the law on intellectual property.

2. If an organization or individual that has an architectural plan winning the contest is not fully capable of taking the next steps (providing consultancy on preparation of the feasibility study report or construction design), such organization or individual may set up a joint venture with a consultancy fully capable of doing so.

3. If an organization or individual that has an architectural plan winning the contest fails or refuses to take the next steps, the investor shall negotiate to use the architectural plan in accordance with regulations of the law on intellectual property and relevant laws; in case of failure to conduct a negotiation, the next ranked plan shall be selected to conduct a negotiation or sign a contract.

4. Responsibilities of the organizer:

a) Hold contests according to the approved contest rules;

b) Enable the council to perform its tasks. The organizer must not abuse its power to influence contest results.

Chapter III

PROVISIONS ON PRACTICE OF ARCHITECTURE

Section 1. CODE OF PROFESSIONAL CONDUCT AND ONGOING CAREER DEVELOPMENT

Article 23. Power and procedures for promulgating code of professional conduct of practicing architects

1. Vietnam Association of Architects shall establish and promulgate code of professional conduct of practicing architects (hereinafter referred to as "the Code") in line with the procedures mentioned in Clause 2 of this Article.

2. The Code shall be promulgated according to the following procedures:

a) Establish a drafting board and editorial team to draft the Code;

b) Establish the Code;

c) Seek opinions from agencies, socio-professional organizations and relevant individuals about the draft Code;

d) Receive and respond to opinions and complete the draft Code and publish it on the website of Vietnam Association of Architects;

dd) Promulgate the Code.

3. Within 15 days from the date of promulgation, the Code shall be published on the website of the promulgating agency; sent to the Ministry of Construction so that it is published on its website and in other forms in accordance with regulations of law on information access.

4. The Code shall be reviewed and assessed every 05 years to make prompt adjustments thereto in a manner that is suitable for the socio - economic development in each period.

Article 24. Ongoing development of career of practicing architects

1. Ongoing career development of practicing architects includes participation in courses on professional training and law; participation in conferences, seminars and forums; survey programs and study tours in the architecture field and relevant sector; writing books and articles on architecture, writing topics and presentations to be given at conferences and seminars on architecture; participation in academic courses and post-graduate research in the field of architecture; participation in giving undergraduate and graduate lectures and professional training courses on architecture; conducting scientific research and designing inventions; winning national architecture awards.

2. Socio-professional organizations in practice of architecture, research institutes and educational institutions providing training courses in the architecture major shall perform ongoing career development activities, including organizing professional and legal training courses; organizing conferences, seminars and forums; organizing survey programs and study tours in the field of architecture and relevant field.

3. Agencies and organizations carrying out ongoing career development activities shall:

a) notify and publish information on the mass media about their programs, contents and time of performance of ongoing career development activities;

b) confirm the participation by individuals in ongoing career development activities in writing according to the form provided in the Appendix V hereof to form the basis for the individuals to prepare applications for extension of the architecture practicing certificate;

c) If engaging in ongoing career development activities in a foreign country, participants are required to have a document or certificate proving their participation. Such document or certificate must be translated into Vietnamese language and notarized or certified in accordance with Vietnam's law.

4. Every practicing architect must satisfy the requirements for ongoing career development on an annual basis by accumulating a minimum 04 points for ongoing career development. A practicing architect aged over 60 must get at least 02 points for ongoing career development every year. Individuals who exceed the minimum requirement shall have their points carried forward to the next year. Individuals that fail to meet the requirement must have to continue accumulating points for ongoing career development in the following year.

5. Vietnam Association of Architects shall compile and promulgate a table showing detailed methods for calculating points for ongoing career development with respect to the activities listed in Clause 1 of this Article after obtaining written consent from the Ministry of Construction.

**Section 2. TEST FOR ARCHITECTURE PRACTICING CERTIFICATES;
APPLICATIONS AND PROCEDURES FOR ISSUANCE, RENEWAL, REVOCATION
AND RE-ISSUANCE OF ARCHITECTURE PRACTICING CERTIFICATES**

Article 25. Program, contents and forms of tests for architecture practicing certificates

1. Vietnam Association of Architects shall design and promulgate a program and documents serving holding of tests and a set of questions after obtaining written consent from the Ministry of Construction.

2. The set of questions worth 100 points must conform to Clause 2 Article 26 of the Law on Architecture and include:

- a) 10 questions on professional experience, which are worth 40 points;
- b) 05 questions on legal knowledge, which are worth 20 points;
- c) 05 questions on specialized knowledge, which are worth 20 points;
- d) 05 questions on the code of professional conduct of practicing architects, which are worth 20 points.

3. Forms of a test for an architecture practicing certificate:

a) Individuals applying for an architecture practicing certificate for the first time shall take the test by completing a multiple choice test and oral questions. The oral test shall be conducted immediately after the result of the multiple choice test is announced. In this test, each individual is required to draw lots and then answer up to 04 questions about knowledge and application thereof to individuals' practice of architecture in line with the set of questions mentioned in Clause 2 of this Article;

b) Individuals applying for re-issuance or renewal of their architecture practicing certificate shall take the test by completing a multiple choice test.

4. To pass the test, an individual must be awarded at least 70 points including 16 points for the legal knowledge section; for the remaining sections, such individual must be awarded at least 50% of the points specified in Clause 2 of this Article.

5. A test shall be held every 06 months or upon request depending on the actual requirements at a licensed test location. In case of failure to hold the test, it is required to notify the applicant once in writing within 15 days from receipt of the registration form.

6. Any individual that wishes to register to take a test shall send a registration form according to the form provided in the Appendix III hereof together with a copy of his/her training certificate to the agency that holds the test, whether online, by post or in person.

7. An organizations or agency holding a test for architectural practicing certificates shall:

- a) notify test results to individuals within 15 days after the date of the test;
- b) issue certificates of test results to individuals who pass the test.

8. The test results shall be valid for up to 12 months from the date of issuance of the certificate of test results. If the certificate of test results is lost, an application for re-issuance of the certificate shall be prepared.

Article 26. Conditions for holding tests applicable to socio-professional organizations in practice of architecture, research institutes and educational institutions providing training courses in the architecture major

1. Socio-professional organizations in practice of architecture, research institutes and educational institutions providing training courses in the architecture major are recognized to be eligible for holding tests if they satisfy the following conditions:

- a) The requirements set out in Clause 3 Article 26 of the Law on Architecture are satisfied;
- b) A decision to recognize a socio-professional organization in practice of architecture, research institute or educational institution providing training courses in the architecture major to be eligible for holding tests is available;
- c) The conditions on infrastructure facilities serving holding of tests in the Appendix IV hereof are satisfied;
- d) The educational institutions providing training courses in the architecture major must be universities or higher level institution.

2. An application for recognizing an organization eligible to hold tests includes:

- a) An application form, which is made using the form in the Appendix III hereof;
- b) A description of capability to satisfy the requirements set out in Clause 3 Article 26 of the Law on Architecture;
- c) A certified true copy or file containing color photo taken from the original or a copy presented together with its original for comparison of the document issued by the competent authority allowing operation and approving the charter.

3. Within 15 days from receipt of the sufficient application, the Ministry of Construction shall consider and issue a decision to recognize an organization to be eligible for issuing practicing certificates. The recognition decision shall be sent to the socio-professional organization in practice of architecture, research institute or educational institution providing training courses in the architecture major and published on the website of the Ministry of Construction within 05 days from the issuance date.

Article 27. Applications for issuance, re-issuance and renewal of an architecture practicing certificate

1. An application for issuance of an architecture practicing certificate includes:

- a) An application form made using the form in the Appendix III hereof enclosing 02 portrait pictures (4x6 cm) of the applicant on a white background which was taken within the last 06 months;
- b) University degree or diploma issued by a lawful training institution in conformity with the contents of the certificate to be issued; a degree or diploma issued by a foreign training institution must be translated into Vietnamese and notarized or certified in accordance with Vietnam's law;

- c) A decision on task assignment by an organization to the individual or a written certification provided by the legal representative of the investor of typical tasks completed by individuals in accordance with the contents declared by such individuals. The person signing the certification shall be responsible for the truthfulness of the contents he/she certifies. Regarding an independent practitioner, there must be a contract and record on commissioning of declared typical tasks that have been completed by such practitioner.
- d) A legal document on residence or a work permit issued by a Vietnamese competent authority if the applicant is a foreign national;
- dd) Valid results of the test that the applicant has passed;
- e) The documents specified in Points b, c, d and dd of this Clause must be certified true copies or files containing color photos taken from the originals or copy presented together with their originals for comparison.

2. An application for renewal of an architecture practicing certificate includes:

- a) An application form made using the form in the Appendix III hereof enclosing 02 portrait pictures (4x6 cm) of the applicant on a white background which was taken within the last 06 months;
- b) A written certification provided by the agencies performing ongoing career development activities specified in Clause 4 Article 24 hereof;
- c) A certified true copy or file containing a color photo taken from the original or a copy presented together with its original for comparison of the issued practicing certificate.

3. An application for re-issuance of an architecture practicing certificate includes:

- a) An application form made using the form in the Appendix III hereof enclosing 02 portrait pictures (4x6 cm) of the applicant on a white background which was taken within the last 6 months;
- b) A certified true copy or file containing a color photo taken from the original or a copy presented together with its original for comparison of the issued practicing certificate and document proving the information that needs changing.

Article 28. Procedures for issuance, re-issuance, renewal and revocation of an architecture practicing certificate

1. In the case of issuance, re-issuance or renewal of an architecture practicing certificate

- a) The applicant shall submit an application prescribed in Article 27 hereof to the authority that has power to issue practicing certificates (hereinafter referred to as “the issuing authority”), whether online or by post or in person;
- b) Upon receipt of a sufficient and valid application, the issuing authority shall issue the practicing certificate within 15 days in the case of issuance; 05 days in the case of re-issuance; 10 days in the case of renewal of the practicing certificate. If the application is insufficient or invalid, the issuing authority shall notify the applicant once in writing within 05 days from receipt of the application;

c) The applicant shall pay fees upon applying for issuance, re-issuance or renewal of the practicing certificate. The collection, payment and management of such fees shall comply with regulations of the Ministry of Finance.

2. In the case of revocation of an architecture practicing certificate:

a) Within 10 days from receipt of an inspection conclusion suggesting revocation of the practicing certificate or upon discovering or having one of the grounds specified in Clause 1 Article 30 of the Law on Architecture, the authority that has the power to revoke practicing certificates shall issue a revocation decision and declare invalidation of the practicing certificate, publish the decision on its website and send information thereon to the Ministry of Construction for publication on its website;

b) The authority that has the power to revoke practicing certificates shall send the revocation decision to the individual and publish it on its website; and send information thereon to the Ministry of Construction for publication on its website within 05 days from the issuance date;

c) In case of revocation of a practicing certificate that is incorrectly recorded by the issuing authority, the authority that has the power to revoke practicing certificates shall re-issue it 10 days from receipt of the revoked practicing certificate.

Section 3. ARCHITECTURE PRACTICE BY FOREIGN NATIONALS IN VIETNAM

Article 29. Determining period of rendering of architectural services in Vietnam

The period of rendering of architectural services in Vietnam shall be determined according to the legal document on residence or work permit and employment contract issued by a Vietnamese competent authority if the applicant is a foreign national;

Article 30. Applications for recognition and conversion of architecture practicing certificates of foreign nationals practicing architecture in Vietnam

An application for recognition and conversion of an architecture practicing certificates of a foreign national practicing architecture in Vietnam includes:

1. An application form made using the form in the Appendix III hereof enclosing 02 portrait pictures (4x6 cm) of the applicant on a white background which was taken within the last 6 months.

2. A copy of the training degree/diploma or practicing certificate issued by a foreign agency or organization, which must be translated into Vietnamese and notarized or certified in accordance with Vietnam's law.

3. A certified true copy or file containing color photo taken from the original or a copy presented together with its original for comparison of the lawful document on residence or work permit issued by a Vietnam's competent authority as prescribed.

Article 31. Procedures for recognition and conversion of architecture practicing certificates of foreign nationals practicing architecture in Vietnam

1. The applicant shall submit an application prescribed in Article 30 hereof to the issuing authority, whether online or by post or in person.

2. Upon receipt of a sufficient and valid application, the competent authority shall recognize and converse the practicing certificate within 10 days. If the application is insufficient or invalid, the

issuing authority shall notify the applicant once in writing within 05 days from receipt of the application.

3. The period of practice of architecture set out in the certificate of recognition and conversion of architecture practicing certificates of foreign nationals in Vietnam is the same as the effective period of the practicing certificates issued by the foreign authority or organization.

4. Applicants shall pay fees upon submitting applications. The collection, payment and management of fees for issuance of practicing certificates shall comply with regulations of the Ministry of Finance.

Chapter IV

IMPLEMENTATION CLAUSE

Article 32. Effect

This Decree comes into force from September 07, 2020. The Government's Decree No. 38/2010/ND-CP dated April 07, 2010 shall cease to have effect from the effective date of this Decree.

Article 33. Grandfather clauses

If construction practicing certificates issued to individuals responsible for designing architecture of works and validating architectural designs for works in accordance with regulations of law on construction are expired, they shall be renewed in accordance with regulations of law on architecture if the ongoing career development requirements and code of professional conduct set out in this Decree are satisfied.

Article 34. Responsibility for implementation

1. Ministers, heads of ministerial agencies, heads of Governmental agencies, Presidents of People's Committees of provinces and central-affiliated cities are responsible for implementation of this Decree.

2. The Ministry of Construction shall, within its jurisdiction, organize and provide guidelines for implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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