

No.  
101/2020/ND-CP

*Hanoi, day 28 March 8, 2020*

## DECREE

CORRECT AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF DECREE  
NO. 123/2016/ND-CP DATED SEPTEMBER 01, 9 2016 OF THE GOVERNMENT STIPULATES  
THE FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE OF MINISTRIES  
AND MINISTERIAL-LEVEL AGENCIES

*Pursuant to [the Law on Organization Government](#) 19 June 6 and [Amendment Law amending and supplementing a number of articles of the Law on Government Organization and the Law on Government Organization local](#) November 2015, 22;*

*At the request of the Minister of the Interior;*

*The Government promulgates a Decree amending and supplementing a article number of the Government's Decree No. 123/2016/ND-CP dated September 01, 9 prescribing functions, tasks, powers and organizational structure of ministries and horizontal agencies ministry.*

**Article 1.** Amending and supplementing a number of articles of the Government's Decree No. 123/2016/ND-CP dated September 01, 9 defining functions, tasks and powers and organizational structure of ministries and ministerial-level agencies:

1. Clauses 1 and 2 of Article 13 are amended as follows:

"1. To submit to the Government:

a/ Regulations on functions, tasks, powers and structure organizations of ministries and agencies attached to the Government assigned to manage;

b/ To decide on the establishment, reorganization or dissolution of the agencies and organizations under the ministry, including: General Department and equivalent organizations (hereinafter referred to as collectively the General Department), the Department and its equivalent organization (hereinafter collectively referred to as the Department), the Department and equivalent organization (hereinafter collectively referred to as the Bureau).

2. To submit to the Prime Minister:

a) Decide on the establishment, reorganization or dissolution of the application public affairs subject to the decision competence of the Prime Minister;

b/ Prescribing functions, tasks, powers and structure organization of the general directorate under the ministry;

c) Decide on the establishment, reorganization or dissolution of the Agencies and organizations under the General Department include: Departments and equivalent organizations (hereinafter referred to as collectively the Department), the Bureau and its equivalent organization (hereinafter collectively referred to as the Bureau)."

2. Clause 6 of Article 13 is amended as after:

"6. To guide the functions, duties and powers of specialized agencies in sectors and fields under the People's Committees of provinces and cities directly under the central government and People's Committees of districts, provincial towns and cities, the city belongs to the municipalities."

3. To amend Clauses 7 and 8 of the Article 13 to Clause 7 of Article 13 as follows:

"7. Management of job positions and civil servant structure according to rank, structure of public employees by occupational title, civil servant payroll and number persons working in public non-business units as prescribed by law."

4. Clause 3 of Article 14 is amended and supplemented as follows:

"3. To specify the criteria for leadership titles, management of agencies and units under the ministry."

5. Clause 3 of Article 18 is amended and supplemented as follows:

"3. Failure to organize the department in the case. Where the case has Many areas of work and workload require staffing of 30 personnel civil servants or higher assigned by competent authorities (hereinafter collectively referred to as payroll civil servants) may establish departments and the

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number of departments in departments under the ministry (if have) must be specified in the Decree defining functions, duties, powers and organizational structure of the department."

6. Clause 5 of Article 18 is amended and supplemented as follows:

"5. Criteria for establishment of the department:

a/ The department is established when all criteria are met; after:

Have functions and tasks to advise on state management for branches and domains falling within the functions and tasks of the Ministry;

Having the scope and subjects of management by industry or field;

The workload requires deployment from 15 edges civil servants and above.

b/ The Department performs its functions and tasks of advising on Internal management is established when the workload requires disclosure 15 or more civil servants."

7. Articles 18a and 18b are supplemented as follows:

**"Article 18a. Criteria for the establishment of the department and organization equivalent room (hereinafter collectively referred to as room), the number of deputies of the standing person Head of the room**

1. Departments of departments under ministries shall be established upon response meet the following criteria:

a/ Having the functions and tasks of advising on house management water for branches and domains falling within the functions and tasks of the Department or assigned advising on the internal administration of the Bureau;

b) The required workload must be arranged from 07 payroll of civil servants or higher.

2. Departments of sub-departments under departments of ministries may established when satisfying the following criteria:

a/ Having the functions and tasks of advising on house management water for branches or domains falling within the functions and tasks of the branch or being assigning advice on the internal management of the branch;

b) The required workload must be arranged from 05 payroll of civil servants or higher.

3. On the number of deputies of the head of the department:

a) Departments under departments under ministries have from 07 to 09 staff; civil servants are assigned 01 deputy; There are between 10 and 15 civil servant payrolls no more than 02 deputies; whether 16 or more civil servants are deployed more than 03 deputies;

b) Departments of branches under departments under ministries have 05 or more up to 07 civil servants are assigned 01 deputy; from 08 civil servants or more shall be assigned no more than 02 deputies.

4. Criteria for establishment and number of deputies of the standing person heads of departments under inspectorates, offices, departments under ministries and departments under offices and departments under the General Department under the Ministry shall comply with regulations on criteria for establishment and quantity deputy of the head of the department of the department under the ministry.

5. Criteria for establishment and number of deputies of the standing person heads of departments under departments under general departments under ministries shall comply with regulations Regarding the criteria for establishment and the number of deputies of the head of the department under the branch under the Department of the Ministry.

**Article 18b. Criteria for establishment of branches and futures - (hereinafter collectively referred to as a branch), the number of deputies of the head of the department**

1. Sub-departments of departments under ministries shall be established when: meet the following criteria:

a/ Having specialized or specialized management objects within the functions and tasks of the Department in accordance with specialized laws;

b/ To be delegated and authorized by the Director to decide determine matters within the decision competence of the Director;

c) The workload required to be arranged is from 15 payroll of civil servants or higher.

2. On the number of deputies of the head of the department under the Department:

a) Branches with from 01 to 03 rooms shall be allocated at 01 level deputy; have 04 or more rooms arranged with no more than 02 deputies;

b) Branches without rooms shall be allocated for no more than 02 deputy.

3. Criteria for establishment and number of deputies of the head heads of sub-departments under general departments under ministries shall comply with regulations on standards; the number of deputies of the head of the department under the department."

8. Clause 3 of Article 19 is amended as after:

"3. The office shall be established in accordance with the standard and the establishment of the department and assigned work tasks."

9. Clause 3 of Article 20 is amended as after:

"3. The inspector shall have its own seal and accounts; get establish professional departments in accordance with the provisions of law."

10. Clauses 3 and Clauses 4 and Clauses are amended 21 Article <> reads as follows:

"3. The establishment of the bureau must meet all the criteria after:

a/ Having specialized or specialized management objects fall within the scope of state management of the Ministry in accordance with specialized laws;

b) Be delegated and authorized by the Minister to decide issues within the scope of state management in specialties and domains;

c) The workload required to be arranged is from 30 payroll of civil servants or higher.

4. The organizational structure of the department includes:

a) Room;

b) Office;

c) Inspection (if any);

d) Branches (if any);

dd) Public non-business units (if any)."

11. Clauses 3 and Clauses 4 and Clauses are amended 22 Article <> reads as follows:

"3. The establishment of a general department must meet the following The following criteria:

a/ Having specialized state management subjects, large, complex and important fields for socio-economic development;

b) Majors and domains requiring centralized and statistical management especially at the central level, special cases shall be decided by the Government;

c) Be delegated and authorized by the Minister to decide issues within the scope of state management in specialties and domains.

4. The organizational structure of the General Department includes:

a) Department;

b) Office;

c) Department (if any);

d) Inspection (if any);

dd) Public non-business units (if any).

The establishment of departments and departments under the General Department applies the following criteria as for the establishment of departments and departments under the ministry. No room established in the case under the General Directorate.

For general departments organized according to the vertical system then the number of departments under the General Department or branches under the General Department (if any) is located in localities specified in decisions prescribing functions, tasks and powers and the organizational structure of the directorate."

12. Clause 5 of Article 22 is added as after:

"5. The number of deputies of the heads of departments and departments, Inspectorate, Office under the General Department under the Ministry:

a/ Departments under the General Department have from 15 to 20 public staff; the position shall be assigned no more than 02 deputies; There are more than 20 civil servant payrolls no more than 03 deputies;

b) Departments (except locally located departments), inspectors, Offices under the General Department have less than 04 organizations assigned no more than 02 deputies; have 04 or more organizations assigned no more than 03 deputies;

c) The General Department is organized according to the vertical system with subordinate departments located in localities shall be decided by ministers and heads of ministerial-level

agencies determine the number of deputies of the head of the Department to ensure that on average each department has 03 levels deputy."

13. Clause 3 of Article 31 is added as after:

"3. In the course of carrying out the organizational reorganization, the number of deputies of heads of organizations and units due to mergers or consolidations may be higher than specified in this Decree, but when a deputy retires or Business transfers are not added and there must be solutions to adjust and arrange reassign the number of deputies exceeding regulations to secure within 3 years from the date of the merger enter and consolidate the number of deputies of heads of organizations and units to be carried out now in accordance with regulations."

#### **Article 2. Enforceability**

This Decree takes effect from May 15 11 in 2020.

#### **Article 3. Enforcement responsibilities**

Ministers, Heads of ministerial-level agencies, Heads of Ministers agencies attached to the Government, Presidents of People's Committees of provinces and affiliated cities The central government shall be responsible for the implementation of this Decree./.

#### ***Recipients:***

- Party Central Secretariat; - Prime Minister, Deputy Prime Ministers; - Ministries, ministerial-level agencies and agencies attached to the Government; - People's Councils, People's Committees of provinces and centrally-run cities; - Central Office and Party Departments; - Office of the General Secretary; - Office of the President; - Council of Nationalities and Committees of the National Assembly; - Office of the National Assembly;

**TM. GOVERNMENT  
OF PRIME MINISTER**

**Nguyen Xuan Phuc**

- Supreme People's Court;  
- Supreme People's Procuracy;  
- State Audit;  
- National Financial Supervisory Commission;  
- Bank for Social Policy;  
- Vietnam Development Bank;  
- Central Committee of the Vietnam Fatherland Front;  
- Central bodies of unions;  
- VPCP: Organizers, PCNs, Assistant TTg, General Director of E-commerce Portal, Departments, Departments, Units Relief, Gazette;  
- Save: VT, TCCV (2b).

Decree 123/2016/ND-CP, Decree 101/2020/ND-CP