

THE MINISTRY OF FINANCE

No: 43/2003/TT-BTC

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

----- o0o -----

Ha Noi , Day 13 month 05 year 2003

CIRCULAR No. 43/2003/TT-BTC OF MAY 13, 2003 PRESCRIBING THE REGIME OF COLLECTION, REMITTANCE AND USE MANAGEMENT OF THE FEE FOR GRANTING CONSULTANCY- AND CONSTRUCTION-CONTRACTING PERMITS TO FOREIGN CONTRACTORS AND THE FEE FOR GRANTING CONSTRUCTION WORK-DESIGNING PRACTICE CERTIFICATES

Pursuant to the Government's Decree No. 03/2000/ND-CP of February 3, 2000 guiding the implementation of a number of articles of the Enterprise Law and Decree No. 24/2000/ND-CP of July 31, 2000 detailing the implementation of the Law on Foreign Investment in Vietnam;

Pursuant to the Government's Decree No. 57/2002/ND-CP of June 3, 2002 detailing the implementation of the Ordinance on Charges and Fees;

After obtaining the Construction Ministry's opinions, the Ministry of Finance hereby prescribes the regime of collection, remittance and use management of the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates as follows:

I. APPLICATION SUBJECTS AND FEE RATES

1. Payers of the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates, prescribed in this Circular include:

a/ Foreign contractors that are granted by competent State management agencies the consultancy- and construction-contracting permits for having won bids for consultancy or construction in Vietnam as prescribed in the Government's Decree No. 24/2000/ND-CP of July 31, 2000 detailing the implementation of the Law on Foreign Investment in Vietnam.

b/ Domestic and foreign individuals who are granted construction work-designing practice certificates by competent State management agencies (or authorized units) as prescribed in the Government's Decree No. 03/2000/ND-CP of February 3, 2000 guiding the implementation of a number of articles of the Enterprise Law.

2. The rates of the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates are prescribed as follows:

a/ Fee for granting consultancy- and construction-contracting permits to foreign contractors: Vietnam dong 2,000,000 (two million)/permit.

b/ Fee for granting construction work-designing practice certificates: Vietnam dong 200,000 (two hundred thousand)/certificate.

3. The fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates shall be collected in Vietnam dong (VND).

II. ORGANIZATION OF COLLECTION, REMITTANCE AND USE MANAGEMENT OF FEES

1. The fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates constitute a State budget revenue.

2. The agencies collecting the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates (hereinafter referred collectively to as the collecting agencies) shall have the responsibilities:

a/ To organize the fee collection and remittance strictly according to the provisions in this Circular. To publicly post up or announce the fee rates at the fee collection locations. Upon fee collection, to make and issue the receipts to fee payers according to the Finance Ministry's current regulations on the issuance, management and use of tax prints.

b/ To open accounting books for monitoring and recording the collection, remittance and use management of the fee amount according to the State's current accounting regime. Every day or at least once a week, to deposit the collected fee amount into the charge/fee custody accounts at the State treasuries of the localities where the collecting agencies are headquartered, and to separately account this collected amount according to the accounting regime applicable to administrative and non-business units.

c/ To register, declare, collect and remit the fees with the tax bodies directly managing them strictly according to the provisions in the Finance Ministry's Circular No. 63/2002/TT-BTC of July 24, 2002 guiding the implementation of law provisions on charges and fees. To remit the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates into the State budget according to the relevant chapters, categories and clauses, Item 047 and Sub-Items of the current State Budget Index. The regulation of fees for the budgets of all levels shall comply with the current regulations.

d/ To apply financial publicity regime according to law provisions.

3. The collecting agencies may retain 50% (fifty percent) of the total actually collected fee amount before remitting it into the State budget to cover expenses for the collection of the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates according to the following specific contents:

a/ Expenses in direct service of the fee collection such as those for stationery, office supplies, telephone, electricity, water, working-trip allowances and public-duty allowances;

printing (or purchase) of declarations, permits and other prints according to the current criteria and norms.

b/ Expenses for regular repair or overhaul of assets, machinery and equipment in direct service of the fee collection work.

c/ Expenses for the procurement of supplies and raw materials, and other expenses directly related to the fee collection.

d/ Deduction for commendation and welfare funds for officials and employees directly engaged in the fee collection work in units. The average per-head annual level of deduction for setting up the above-said two funds shall not exceed 3 (three) months' actually paid salary if the collected amount is higher than that of the previous year, or be equal to 2 (two) months' actually paid salary if the collected amount is lower than or equal to that of the previous year.

The collecting agencies must manage and use the above-said retained fee amount for the right purposes with lawful vouchers strictly according to regulations.

4. For the total amount of the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates, collected in the period, after subtracting the amount retained in percentage prescribed at Point 3 above, the remainder (50%) must be remitted into the State budget.

5. Annually, the collecting agencies must make fee revenue-expenditure estimates and settlements and send them to the superior branch-managing agencies, the finance agencies and the tax offices of the same level as well as the State treasuries where transactions are made. Upon the annual settlement, if the fee amount retained in the year has not yet been used up, it shall be transferred to the subsequent year for further spending according to the prescribed regime. The fee settlement shall be made together with the State budget settlement. The tax offices shall settle the collected amount according to receipts, the total collected amount, the retained amount and amount to be remitted into the State budget.

III. ORGANIZATION OF IMPLEMENTATION

1. This Circular takes implementation effect 15 days after its publication in the Official Gazette. All the stipulations on the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates, which are contrary to this Circular, are hereby annulled.

2. The State management agencies (or authorized units) competent to grant consultancy- and construction-contracting permits to foreign contractors and/or construction work-designing practice certificates shall collect, remit and use the fee for granting consultancy- and construction-contracting permits to foreign contractors and the fee for granting construction work-designing practice certificates according to the provisions in this Circular.

In the course of implementation, if any problems arise, agencies, organizations and individuals are requested to promptly report them to the Ministry of Finance for study and additional guidance.

For the Finance Minister
Vice Minister
TRUONG CHI TRUNG