

**GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No: 143/2016/ND-CP

*Hanoi, October 14, 2016*

## **DECREE**

### **ON INVESTMENT AND OPERATION IN VOCATIONAL EDUCATION**

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

*Pursuant to the Law on Investment dated November 26, 2014;*

*Pursuant to the Law on Vocational Education dated November 27, 2014;*

*At request by the Minister of Labor, War Invalids and Social Affairs;*

*The Government hereby issues this Decree on requirements for investment and operation in vocational education.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

This Decree stipulates requirements for investment and operation in vocational education training which includes:

1. Establishment and grant of permission for establishment, total division, partial division, merger and dissolution of public and private vocational education institutions; establishment and grant of permission for establishment or shutdown of branches of public and private vocational schools and 03-year colleges.
2. Registration for provision of vocational education, registration for additional vocational education activities; issue and revocation of certificates of registration for vocational education (hereinafter referred to as “registration certificate”), and suspension of vocational education.
3. Requirements and procedures for establishment, total division, partial division and merger of foreign-invested vocational education institutions are prescribed in the Section 2 chapter III Decree No.48/2015/ND-CP dated May 15, 2015 by the Government detailing a number of Articles of the Law on educational education and training.

#### **Article 2. Scope of application**

1. Vocational training centers, vocational schools and 03-year colleges (hereinafter referred to as “vocational education institutions”)
2. Universities registering to deliver college-level vocational education and enterprises registering to deliver basic vocational training (hereinafter referred to as "vocational training facilities").
3. Entities engaging in activities prescribed in Article 1 hereof.
4. This Decree shall not apply to:
  - a) Establishment, grant of permission for establishment, total division, partial division and dissolution of pedagogical intermediate schools or pedagogical colleges and branches thereof;
  - b) Registration for provision of vocational education, registration for additional vocational education activities; issue and revocation of registration certificates , and suspension of vocational education in pedagogical majors within the jurisdiction of the Ministry of Education and Training.

## **Chapter II**

### **ESTABLISHMENT AND PERMISSION FOR ESTABLISHMENT, TOTAL DIVISION, PARTIAL DIVISION, MERGER AND DISSOLUTION OF VOCATIONAL EDUCATION INSTITUTIONS; ESTABLISHMENT AND PERMISSIONS FOR ESTABLISHMENT AND SHUTDOWN OF BRANCHES OF VOCATIONAL SCHOOLS AND COLLEGES**

#### **Section 1. REQUIREMENTS, PROCEDURE AND THE POWER TO ESTABLISH AND GRANT PERMISSIONS TO ESTABLISH VOCATIONAL EDUCATION INSTITUTIONS, BRANCHES OF VOCATIONAL SCHOOLS AND COLLEGES**

##### **Article 3. Requirements for establishment and grant of permissions to establish vocational education institutions**

A vocational education institution is established or permission to be established only if a proposal for establishment of that vocational education institution is made and that vocational education institution meets the following requirements:

1. The vocational education institution shall be established in conformity with the planning for Vietnam’s vocational education institution networks, the planning for vocational education institution networks by Ministries, ministerial-level agencies, Governmental agencies and those by People's Committees of provinces. Public vocational education institutions shall commit to operate on the principle of autonomy of public service providers as stipulated by the Government.
2. With regard to training scale:

- a) For vocational training centers: Provide basic vocational training for at least 150 trainees per year;
  - b) For vocational schools: Provide intermediate level vocational training for at least 250 students per year;
  - c) For colleges: Provide college-level and vocational intermediate-level training for at least 500 students per year.
3. Every vocational education institution shall have a premise with the minimum area of 1,000 m<sup>2</sup> (for vocational training facilities); 2,000 m<sup>2</sup> (for vocational schools) and 50,000 m<sup>2</sup> (for colleges).
4. Investments in establishment of vocational education institutions shall be mobilized from lawful sources of finance, excluding land. To be specific:
- a) For vocational training centers: at least 05 billion dong;
  - b) For vocational schools: at least 50 billion dong;
  - c) For colleges: at least 100 billion dong.
5. Every vocational education institution shall meet requirements for registration for provision of vocational education as prescribed in d 14 hereof (concerning organizational structure; facilities, training equipment; syllabus, curricula; teachers and officers).

**Article 4. Requirements for establishment and grant of permission to establish vocational education institutions for disabled students**

Vocational education institutions shall meet requirements stipulated in Article 3 hereof and those in point a and b clause 3 Article 18 of the Law on Vocational Education.

**Article 5. Requirements for establishment or grant of permission to establish branches of vocational schools and colleges**

Every vocational school or college wishing to establish its branch shall submit a proposal which includes:

1. The necessity of a branch.
2. Name and scope of operation of the branch.
3. A plan for construction, development and training scale of that branch by stage.

4. The expected organizational structure; facilities, training equipment; syllabus , curricula; employment of teachers and officers that meet requirements for registration for provision of vocational education prescribed in Article 14 hereof.

**Article 6. Application for establishment or for permission to establish vocational education institutions and branches of vocational schools and colleges**

1. The applicant shall submit 01 Application for establishment or for permission to establish a vocational education institution. The application includes:

a) An application form for establishment made by the governing body (for public vocational education institutions); an application form for permission to establish vocational education institution made by a social organization, socio-professional organization, economic organization or individual (for private vocational education) using the specimen in Annex 1 attached hereto.

For vocational education institutions affiliated to Ministries or central authorities of social-political organizations (hereinafter referred to as “regulatory authority”) or private colleges, a written approval of the People’s Committee of province where the vocational education institution’s headquarters is located is required.

b) A proposal for establishment of the vocational education institutions made using Annex II attached hereto;

c) A draft layout plan and preliminary design of construction works to make sure that it is conformable to the vocational training majors, scale, levels and criteria for construction area and area used for learning and teaching;

d) Certified true copies of the land use right certificate, housing ownership certificate or written approval for allocation of land or lease of land by the People’s Committee of the province which specifies address, area and boundaries of the land lot and agreement on regulations on lease of furnished facilities and other relevant legal documents which are valid for at least 05 years more from the date of application.

2. For private vocation education institutions, in addition to documents specified in clause 1 of this Article, the application shall include:

a) A written certificate of financial ability to invest in vocational education institution by the competent authority;

b) Other documents certifying the ownerships of assets as stake of the individual who requests to establish that vocational education institution.

3. For any private vocational education institution that has at least 02 stakeholders, in addition to documents specified in clauses 1 and 2 of this Article, the application shall include:

a) A record of appointment of a representative for establishment of the vocational education institution by stakeholders;

b) Profiles of the founder and co-founders;

c) List of members who commit to contribute capitals, methods of contribution and records of contribution;

d) Expected Board of Directors and the Chairman of the Board of Directors (for vocational schools and colleges).

4. The application for establishment and permission to establish branches of vocational schools, colleges shall follow clauses 1, 2 and 3 of this Article.

#### **Article 7. Authority to make decisions on establishment or to grant permission to establish vocational education institutions**

1. Every President of the People's Committee of the province has the power to issue decisions on establishment of public vocational training centers and vocational schools under the management of the provincial government, and to grant permission to establish private vocational training centers and vocational schools in the province.

2. Ministers, Heads of ministerial-level and heads of central authorities of social-political organizations have the power to make decisions on establishment of public vocational training centers and vocational schools affiliated to their organizations.

3. The Minister of Labor, War Invalids and Social Affairs has the power to make decisions on establishment of public colleges and to grant permission to establish private colleges.

#### **Article 8. Procedures for establishment and grant of permission to establish vocational education institutions**

1. Receipt of applications for establishment or permission to establish vocational education institutions:

a) Each applicant shall submit an Application for establishment or for permission to establish a vocational education institution as prescribed in clauses 1, 2 and 3 Article 6 hereof to the assisting authorities that assists the competent person in making decisions on establishment or grant of permission to establish vocational education institutions as stipulated Article 7 hereof (hereinafter referred to as "assisting authorities");

b) The assisting authorities shall take delivery of and verify applications before transferring them to the Board of Assessment that specialized in assessing applications for establishment and permission to establish vocational education institutions (hereinafter referred to as "Board of Assessment").

If the application is invalid, within 05 working days from the date of receipt, the assisting authorities shall inform the applicant in writing in which the incorrectness shall be specified.

c) Within 05 working days from the date of receipt of a valid application, the assisting authorities shall transfer the application to the Board of Assessment.

2. Assessment of application for establishment of vocational education institutions:

a) The Board of Assessment shall carry out the assessment of application for establishment of vocational education institutions:

b) The competent person having the power to make decisions on establishment and permission to establish vocational education institutions stipulated in Article 7 hereOf shall set up a Board of Assessment and issue an operation regulation applying to the Board of Assessment.

The Head of the Ministry of Labor, War Invalids and Social Affairs or authorized person shall be appointed as the chairman of the Board of Assessment of applications for establishment of colleges; and representatives of the Ministry of Planning and Investment, Ministry of Finance, Ministry of Home Affairs, People's Committees of provinces where the vocational education institution's headquarters is located, General Directorate of Vocational Training ( a assisting authorities assisting the Minister of Labor, War Invalids and Social Affairs in State management of vocational education) and representatives of affiliates of the Ministry of Labor, War Invalids and Social Affairs shall participate as members of that Board of Assessment .

The Head of the central authority of the social-political organization or authorized person shall be appointed as chairman of the Board of Assessment of applications for establishment of public vocational schools and vocational training centers affiliated to central authorities of social-political organizations, and representatives of relevant agencies affiliated to regulatory authorities of the social-political organization shall participate as members of that Board of Assessment.

The Head of the People's Committee of the province or authorized person shall be appointed as the chairman of the Board of Assessment of application for establishment of public vocational schools and vocational training centers affiliated to People's Committees of provinces and private vocational schools and vocational training centers in the provinces; representatives of affiliates of the People's Committee of the Province including the Department of Labor, War Invalids and Social Affairs, Department of Planning and Investment, Department of Finance, Department of Internal Affairs and relevant agencies shall participate as members of that Board of Assessment.

c) Within 05 working days from the date of receipt of an application for establishment of vocational education institution from the assisting authorities, the Board of Assessment shall conduct assessment of such application.

d) According to the conclusion announced at the assessment meeting by the Board of Assessment, the applicant shall complete and submit the complete application to the assisting authorities.

Where any Application for establishment or for permission to establish a vocational education institution is disqualified, the assisting authorities, within 05 working days from the date of assessment, shall inform the applicant in writing in which reason for disqualification shall be specified.

### 3. Issuance of decisions on establishment and permission to establish vocational education institutions

Within 10 working days from the date of receipt of a complete application according to the conclusion by the Board of Assessment, the assisting authorities shall request the competent person who has the power to make a decision on establishment or give permission to establish the vocational education institution to consider making a decision on establishment ( in case of public vocational institutions) or granting a permission to establish ( in case of private vocational education institutions).

### 4. Time limits for transfer of decisions on establishment and permission to establish vocational education institutions:

a) Within 05 working days from the date on which the decision on establishment/ decision on grant of permission to establish a college is signed, the General Directorate of Vocational Training shall submit such decision to the People's Committee of the province, governing body of the college for administration;

b) Within 05 working days from the date on which the decision on establishment of public vocational training centers or vocational school affiliated to a regulatory authority of a social-political organization is signed, that regulatory authority shall transfer such decision to the General Directorate of Vocational Training and People's Committee of the province where the vocational training center or vocational school is located for administration;

c) Within 05 working days from the date on which a decision on establishment of a public vocational training center or vocational school under the management of the provincial government and decision on grant of permission to establish a private vocational training center or vocational school in the province is signed, the People's Committee of the province shall submit such decision to the General Directorate of Vocational Training for administration.

## **Article 9. Procedures for establishment or grant of permission to establish branches of vocational schools and colleges**

### 1. Receipt of applications for establishment or permission to establish branches:

a) Each applicant shall submit an application for establishment or application for permission to establish a branch of a college or vocational school that is made in accordance with clause 4 Article 6 hereof to the assisting authorities;

b) The assisting authorities shall take delivery of applications for establishment/permission to establish branches of colleges or vocational schools.

If any application is invalid, the assisting authorities, within 05 working days from the date of receipt, shall inform the application in writing in which the incorrectness shall be specified.

2. Issuance of decisions on establishment/ grant of permission to establish branches of vocational schools and colleges:

a) Within 10 working days from the date of receipt of an application, the assisting authorities shall request the competent person to consider making decision on establishment ( for public vocational schools and colleges) or decision on grant of permission to establish branches (for private vocational schools or colleges);

b) The competent person who made decisions on establishment/grant of permission to establish vocational schools and colleges also has the power to make decisions on establishment/grant of permission to establish branches of those vocational schools and colleges.

3. Time limits for transfer of decisions on establishment/ grant of permission to establish branches of vocational schools and colleges:

a) Within 05 working days from the date on which a decision on establishment or decision on grant of permission to establish a branch of a college is signed, the General Directorate of Vocational Training shall submit such decision to the People's Committee of the province, governing body of the college for administration;

b) Within 05 working days from the date on which a decision on establishment of a branch of a public vocational school affiliated to a regulatory authority of a social-political organization is signed, that regulatory authority shall transfer such decision to the General Directorate of Vocational Training and People's Committee of the province where the branch is located for administration;

c) Within 05 working days from the date on which a decision on establishment of a branch of a public vocational school under the management of the provincial government and decision on grant of permission to establish a branch of a private vocational school in the province is signed, the People's Committee of the province shall submit such decision to General Directorate of Vocational Training for administration.

**Section 2. TOTAL DIVISION, PARTIAL DIVISION, MERGER, DISSOLUTION AND RENAMING OF VOCATIONAL EDUCATION INSTITUTIONS; SHUTDOWN OF BRANCHES OF VOCATIONAL SCHOOLS AND COLLEGES**



## **Article 10. Total division, partial division and merger of vocational education institutions**

1. Total division, partial division or merger of vocational education institutions shall meet the following requirements:

a) Total division, partial division or merger of vocational education institutions shall be carried out in conformity with the vocational education institution network planning approved by the competent authority and shall be suitable for the socio-economic development and human resource development planning of Vietnam, province and sectors.

b) Total division, partial division or merger of vocational education institution shall ensure the interests of students, teachers, lecturers, officers, staffs and employees, and contribute to the improvement of vocational education quality and effectiveness;

c) Vocational education institutions derived from total division, partial division and merger shall satisfy requirements in Article 3 hereof.

2. Each applicant shall submit an application for total division, partial division or merger of his/her vocational education institution. The application includes:

a) A written request of the governing body (if it is a public vocational education institution); an application form by the owner or legal representative of stakeholders (if it is a private vocational education institution) which specifies reasons and purposes of total division/partial division/merger, headquarters, branches, training location of post acquisition vocational education and new headquarters of the transferee vocational education institution;

b) A proposal for total division/partial division/merger which specifies approaches to protect interests of students, teachers, lecturers, officers, staff and employees; expected plan, roadmap and schedule for total division/partial division/merger; procedures and deadline for conversion of stakes and assets;

c) Meeting minutes, resolutions on total division/partial division/merger of the vocational education institution by the Board of Director or stakeholders (if it is a private vocational education institution).

3. Procedure and authority to conduct total division, partial division and merger of vocational education institutions:

a) Receipt of applications for total division, partial division and merger of vocational education institutions

Each applicant shall submit an application for total division/partial division/merger of a vocational education institution as prescribed in clause 2 of this Article to the assisting authorities;

The professional authority shall take delivery of and verify applications before submitting them to the competent person who has the power to make decision on total division/partial division/merger.

Where the application is invalid, within 05 working days from the date of receipt, the assisting authorities shall inform the applicant in writing in which the incorrectness shall be specified.

b) Issue of decisions on total division, partial division and merger of vocational education institutions

Within 10 working days from the date of receipt of a valid application, the assisting authorities shall request the competent person to consider making a decision on total division/partial division/merger of the vocational education institution.

c) Authorities to make decisions on total division, partial division and merger of vocational education institutions:

The competent person who made decisions on establishment/decisions on grant of permission to establish vocational education institutions also has the power to make decisions on total division/partial division/merger of those vocational education institutions.

4. Time limits for transfer of decisions on total division, partial division and merger or decision on grant of permission for full decision, partial decision and merger of vocational education institutions:

a) Within 05 working days from the date on which a decision on total division/ partial division/ merger of a public college or decision on grant of permission for full division/partial decision/ merger of a private college is signed, the General Directorate of Vocational Training shall submit such decision to the People's Committee of the province, governing body of that college for administration;

b) Within 05 working days from the date on which a decision on total division/ partial division/ merger of a public vocational school or vocational training centers affiliated to a regulatory authority of a social-political organization, that regulatory authority shall transfer such decision to the General Directorate of Vocational Training and People's Committee of the province where the vocational training center or vocational school's headquarters is located;

c) Within 05 working days from the date on which a decision on total division/ partial division/ merger of a public vocational school or vocational training centers under the management of the provincial government or a decision on grant of permission for full decision/partial decision/ merger of a private vocational school or vocational training center in the province is signed, the People's Committee of the province shall submit such decision to the General Directorate of Vocational Training for administration.

## **Article 11. Dissolution of vocational education institutions**

1. A vocational education institution shall be undergo forcible dissolution in cases prescribed in clause 1 Article 21 of the Law on Vocational Education or shall undergo voluntary dissolution in cases specified in clause 2 Article 21 of the Law on Vocational Education.

2. Where it is stipulated in clause 1 Article 21 of the Law on Vocational Education, the applicant shall submit an application for dissolution enclosing with a written request for dissolution by the competent authority which specifies reasons for dissolution and the following documents:

a) An inspection conclusion of actions specified in points a clause 1 Article 21 of the Law on Vocational Education;

b) A decision on suspension of vocational education by the competent authority (for vocational education institutions taking actions specified in point b clause 1 Article 21 of the Law on Vocational Education);

c) An inspection record by the issuer of registration certificate or governing body of the vocational education institution for vocational education institutions prescribed in point c and d clause 1 Article 21 of the Law on Vocational Education.

3. The application for dissolution of vocational education institution prescribed in clause 2 Article 21 of the Law on Vocational Education shall include a written request which specifies reasons and methods of dissolution made by the governing body or applicant that applied for establishment/permission to establish the vocational education institution .

The method of dissolution shall clarify asset liquidation plan and approaches to protect interests of students, teachers, lecturers, officers, staffs and employees and financial obligations under regulations of laws.

4. Procedure and authorities to dissolve and to give permission to dissolve vocational education institutions:

a) Within 20 working days from the date of receipt of a valid application, an affiliate of the regulatory authority of the social-political organization, Departments of Labor, War Invalids and Social Affairs and General Directorate of Vocational Training shall assess the application and submit it to the competent person who issued the decision on establishment/decision on grant of permission to establish the vocational education institution under Article 7 hereof;

b) Where any vocational education institution commits any of cases prescribed in clause 1 Article 21 of the Law on Vocational Education but the governing body or legal representative of stakeholders of that vocational education institution does not submit a written request, the competent person who made the decision on establishment/grant of permission to establish the vocational education institution prescribed in Article 7 hereof shall consider making decision on dissolution of that vocational education institution;

c) A decision on dissolution or decision on grant of permission for voluntary dissolution of a vocational education institution shall specifies reasons for dissolution, approaches to protect

interests of students, teachers, lecturers, officers, staff and employees, financial obligations and liquidation plan under regulations of laws . The decision on dissolution or decision on grant of permission for voluntary dissolution shall be informed to relevant agencies for cooperation in implementation and shall be made publicly via means of mass media;

d) The competent person who made the decision on establishment or grant of a permission to establish the vocational education institution as stipulated in Article 7 hereof also has the power to dissolve or give permission to dissolve that vocational education institution.

5. Time limits for transfer of decisions on dissolution and permission for voluntary dissolution:

a) Within 05 working days from the date on which the decision on dissolution or permission for voluntary dissolution of a college is signed, the General Directorate of Vocational Training shall transfer such decision/permission to the people's Committee of the province, governing body of the college for administration;

b) Within 05 working days from the date on which a decision on dissolution of a public vocational training center or vocational school affiliated to a regulatory authority of a social-political organization is signed, that regulatory authority shall submit such decision to the General Directorate of Vocational Training and People's Committee of the province where the headquarters of that vocational school/vocational training center is located for administration;

c) Within 05 working days from the date on which a decision on dissolution of a public vocational training center or vocational school under the management of the provincial government and decision on grant of a permission to dissolve a private vocational training center or vocational school in the province is signed, the People's Committee of the province shall submit such decision to the General Directorate of Vocational Training for administration.

### **Article 12.Shutdown of branches of vocational schools and colleges**

Shutdown of branches of vocational schools and colleges shall be carried out according to the procedure that is made for dissolution of vocational education institutions stipulated in Article 11 hereof.

### **Article 13. Renaming of vocational education institutions**

1. The application for renaming of a vocational education institution includes: A written request by the governing body (if it is a public vocational education institution); or an application form by the owner or legal representative of stakeholders (if it is a private vocation education institution) which specifies reasons and purposes of change and new name of that vocational education institution;

2. Procedure and authorities to change name of vocational education institutions:

a) Each applicant shall submit an application for renaming of his/her vocational education institution as prescribed in clause 1 of this Article to the assisting authorities;

b) Within 05 working days from the date of receipt of an application, the assisting authorities shall request the competent person who made the decision on establishment/grant of a permission to establish the vocational education institution to consider making a decision on renaming of the vocational education institution.

The competent person who made the decision on establishment or grant of a permission to establish the vocational education institution also has the power to change the name of that vocational education institution.

c) Time limits for transfer of decisions on renaming of vocational education institutions

Within 05 working days from the date on which a decision on renaming of a college is signed, the General Directorate of Vocational Training shall transfer such decision to the People's Committee of the province, governing body of that college for administration;

Within 05 working days from the date on which a decision on renaming of a public vocational training center or vocational school affiliated to a regulatory authority of a social-political organization, that regulatory authority shall transfer such decision to the General Directorate of Vocational Training and People's Committee of the province where the vocational training center/ vocational school is located for administration;

Within 05 working days from the date on which a decision on renaming of a public vocational training center or vocational school under the management of the provincial government; or a private vocational training center or vocational school in the province is signed, the People's Committee of the province shall submit such decision to General Directorate of Vocational Training for administration.

### **Chapter III**

## **REGISTRATION FOR PROVISION OF VOCATIONAL EDUCATION, REGISTRATION FOR ADDITIONAL VOCATIONAL EDUCATION ACTIVITIES; ISSUANCE AND REVOCATION OF REGISTRATION CERTIFICATES AND SUSPENSION OF VOCATIONAL EDUCATION**

### **Section 1. REQUIREMENTS AND PROCEDURES FOR REGISTRATION AND REGISTRATION FOR ADDITIONAL VOCATIONAL EDUCATION ACTIVITIES, AND ISSUANCE OF REGISTRATION CERTIFICATES**

#### **Article 14. Requirements for issue of registration certificates**

1. For basic vocational education

A vocational education institution shall be granted a registration certificate only if it meets the following requirements:

a) The vocational education institution is equipped with sufficient facilities and equipment for the purpose of basic vocational education. The area of each classroom and practice room is at least 04 m<sup>2</sup>;

b) The vocational education institution has curriculum and training documents according to registered training majors that are compiled, verified and introduced in accordance with regulations of the Minister of Labor, War Invalids and Social Affairs;

c) The vocational education institution employs qualified teachers who meet professional requirements for teacher's standards, qualifications and pedagogical requirements under regulations of laws; ensure that the ratio of students to teachers does not exceed 25:1; for aptitude subjects, the ratio of students to teachers does not exceed 15:1; tenured teachers by training major are available;

d) For basic vocational education and training provided by private vocational education institutions and foreign-invested vocational education institutions, such institution must demonstrate its financial ability to operate and provide registered training majors.

## 2. For immediate and college-level education

Each college will be granted a certificate of registration for provision of intermediate and college-level vocational education; each vocational school will be granted a certificate of registration for intermediate level vocational education, and university will be granted a certificate of registration for college-level education if:

a) Their registered training majors are specified in the list of training majors in intermediate and college levels released by the Minister of Labor, War Invalids and Social Affairs and suitable for the industrial sectors, qualifications and socio-economic development of the sectors or the province.

Where any registered training major is not included in the list of the Minister of Labor, War Invalids and Social Affairs, that vocational education institution shall give scientific grounds for new training majors; descriptions of new training majors and analysis of working fields of such new training majors.

b) The vocational education institution is equipped with sufficient facilities and training equipment according to training scope, major and levels. Classrooms, labs, practice rooms and pilot production facilities shall be available. The area of each room at least varies from 5.5 -7.5 m<sup>2</sup>

Training equipment is provided according to training majors and such equipment must meet the minimum standards set by the Minister of Labor, War Invalids and Social Affairs. In case the minimum standard for training equipment by registered training major is not issued Ministry of Labor, Invalids and Social Affairs, sufficient training equipment shall be provided according to the scope of training and as stipulated in the training program.

The vocational education institution has its library which is equipped with software and equipment serving the purpose of borrowing, searching and studying documents, and stores books, textbooks, lectures and relevant documents for teaching and studying.

The vocational education institution has sufficient rooms, administrative offices and school headquarters according to faculties and training majors which shall be large enough to provide at least 06 m<sup>2</sup>/person (for vocational intermediate-level training) and 08 m<sup>2</sup> /person for college-level training).

Construction works for culture, entertainment, sport and healthcare serving the needs of officers, teachers, lecturers and students is constructed.

c) The vocational education institution has sufficient curriculum and training documents according to registered training majors that are compiled, verified and introduced in accordance with regulations of the Minister of Labor, War Invalids and Social Affairs;

d) The vocational education institution employs sufficient and qualified teachers, lecturers and officers who meet teacher's standards, professional and pedagogical requirements under regulations of laws to achieve the training objectives and fulfill the training programs. To be specific:

The ratio of students to teachers, lecturers shall not exceed 25:1 (for training majors in economics, humans and services); 20:1 for training majors in technical, technology and healthcare and 15:1 for training majors in aptitude.

At least 60% periods of each training major is undertaken by tenured teachers, lecturers.

At least 15% and 30% of the total teachers, lecturers of the vocational school and college, respectively, acquire a postgraduate certificate. There shall be teachers, lecturers who obtain master of art degree in each training major.

Foreign teachers/lecturers delivering lectures at foreign-invested vocational schools, colleges or universities shall conform to regulation on foreign workers in Vietnam as stipulated in Vietnam's laws.

dd) For intermediate and college-level training majors provided by private or foreign-invested vocational schools, colleges or universities, in addition to requirements specified in point a, b, c and d clause 2 of this Article, such vocational school, college and university must demonstrate its financial ability to provide registered training majors.

## **Article 15. Application for provision of vocational education**

1. For private and public vocational education institutions, the application includes:

a) An application made using Annex III attached hereto;

- b) A copy of the decision on establishment and decision on grant of permission to establish the vocational education institution;
- c) A report on fulfillment of conditions for provision of vocational education made using Annex Va attached hereto and other proofs;
- d) A copy of the operation regulation of the vocational education institution.

2. For foreign-invested vocational education institution, the application shall be made in Vietnamese or both Vietnamese and English, including:

- a) An application made using Annex III attached hereto;
- b) Copies of the registration certificate (if any) and decision on grant permission to establish the vocational education institution;
- c) A report on fulfillment of conditions for provision of vocational education made using Annex Va attached hereto and other proofs;
- d) A copy of the operation regulation of the vocational education institution.

3. For vocational training facilities, the application includes:

- a) An application made using Annex III attached hereto;
- b) A copy of the decision on establishment or decision on grant of permission to establish the vocational training facility or registration certificate (if any);
- c) Reports on fulfillment of conditions for provision of vocational education made using Annex Vb attached hereto and other proofs;
- d) A copy of the charter or operation regulation of the vocational training facility.

#### **Article 16. Authority to issue registration certificates**

1. The General Directorate of Vocational Training has the power to issue registration certificates to colleges and universities.

2. The Departments of Labor, War Invalids and Social Affairs have the power to issue registration certificates to vocational schools, vocational training centers and enterprises.

#### **Article 17. Procedures for registration and issue of registration certificates**

1. For colleges and universities:



a) Each applicant shall submit an application for provision of vocational education to the General Directorate of Vocational Training;

b) Within 10 working days from the date of receipt of a valid application, the General Directorate of Vocational Training shall assess the applicant's ability to provide vocational education and consider issuing a registration certificate using form in the Annex VII attached hereto. In case of rejection, the General Directorate of Vocational Training, within 05 working days, shall inform the applicant in writing which specifies reasons for rejection.

c) Within 05 working days from the date of issue of the registration certificate, the General Directorate of Vocational Training shall submit a copy of the registration certificate to the Department of Labor, War Invalids and Social Affairs of the province where the college/university provides vocational education for administration.

2. For vocational schools, vocational training centers and enterprises:

a) Each applicant shall submit an application to the Department of Labor, War Invalids and Social Affairs where the applicant's headquarters is located. Where vocational education is provided at a branch or location other than the province where the headquarters is located, the applicant shall submit an application to the Department of Labor, War Invalids and Social Affairs of the province where that branch or training site is situated;

b) Within 10 working days from the date of receipt of a valid application, the Department of Labor, War Invalids and Social Affairs shall assess the applicant's ability to provide vocational education and consider issuing a registration certificate using form in the Annex VII attached hereto. In case of rejection, the Department of Labor, War Invalids and Social Affairs, within 05 working days, shall inform the applicant in writing which specifies reasons for rejection.

c) Within 05 working days from the date of issue of the registration certificate, the Department of Labor, War Invalids and Social Affairs shall submit a copy of the registration certificate to General Directorate of Vocational Training for administration.

## **Section 2. REQUIREMENTS, PROCEDURES AND AUTHORITIES TO ISSUE CERTIFICATES OF REGISTRATION OF ADDITIONAL VOCATIONAL EDUCATION ACTIVITIES**

### **Article 18. Cases of registration of additional vocational education activities**

Vocational education institutions and vocational training facilities that obtained registration certificates shall apply for additional vocational education activities if:

1. The admission quota is increased by 10% or more in comparison with that in the year of issue of the registration certificate.

2. A new training major is provided.

3. The training level is changed or supplemented; or admission quota is adjusted by training level and training major.
4. The vocational education institution/vocational training facility is partially divided/totally divided/merged or any change in the investment registration certificate or business registration certificate related to the certificate of registration for vocational education is made.
5. The headquarters or a branch or training site where the vocational education is delivered is moved.
6. A new branch where the vocational education is provided is established.
7. Vocational education is provided at a new training site or the association with other entities is formed to provide vocational education outside the headquarters or branches of the vocational education institution/vocational training facility.
8. The name of the vocational education institution/ vocational training facility is changed.
9. The admission quota of any training major specified in the registration certificate is decreased or admission is ceased.

#### **Article 19. Application for additional vocational education activities**

1. The application for additional vocational education activities for those prescribed in 1, 2, 3 and 4 Article 18 hereof includes:

- a) An application form made using Annex IV attached hereto;
- b) Reports on fulfillment of conditions for provision of additional vocational education made using Annex VI attached hereto and other proofs;

2. The application for additional vocational education activities for those training prescribed in 5, 6 and 7 Article 18 hereof includes:

- a) In addition to documents specified in clause 1 of this Article, the college/university shall submit:

A document on relocation of headquarters, a branch or training site issued by the competent authority for those prescribed in clause 5 Article 18 hereof.

A document on establishment of a new branch issued by a competent person for those stipulated in clause 6 Article 18 hereof

- b) For any vocational training center, vocational school and enterprise applying for additional vocational education activities provided in the province where the headquarters is located, the

applicant shall submit an application which consist of documents specified in clause 1 of this Article and:

A document on relocation of headquarters, a branch or training site issued by the competent authority for those prescribed in clause 5 Article 18 hereof.

A document on establishment of new branch issued by a competent person for those stipulated in clause 6 Article 18 hereof

c) For vocational training centers, vocational schools and enterprises applying for additional vocational education activities provided in the province other than that where the headquarters is located, the applicant shall submit an application which consist of documents specified in clause 1 of this Article and:

A copy of the decision on establishment and decision on grant of permission for establishment or investment registration certificate; a copy of the decision on appointment or recognition of the head of the vocational school/vocational training facility/ enterprise.

The competent person's documents on relocation of headquarters or branches or training sites for those prescribed in clause 5 Article 8 hereof and competent person's documents on establishment of a new branch for those stipulated in clause 6 Article 18 hereof.

3. The application for additional vocational education activities for those prescribed in clause 8 Article 18 hereof includes:

a) Application form for additional vocational education activities

b) A copy of the decision on change in the name of the vocational education institution/ vocational training facility.

4. The application for additional vocational education activities for those prescribed in clause 9 Article 18 hereof includes:

A written request for termination of admission or decrease in admission quota of registered training majors specified in the registration certificate in which approaches to protect interests of teachers, lecturers, officers, staff and employees, asset liquidation plan, financial obligations and implementation route map shall be specified.

## **Article 20. Requirements, procedures for registration and authorities to issue certificates of additional vocational education activities**

1. The procedure for registration for additional vocational education activities are as follows:

a) For those prescribed in clauses 1, 2, 3 and 4 Article 18 hereof, the procedure for registration for additional vocational education activities shall be as same as that promulgated in Article 15 hereof;

b) For those prescribed in clauses 5, 6 and 7 Article 18 hereof, the procedure for registration for additional vocational education activities are as follows:

Where a vocational education institution/vocational training facility is moved to another place within the same province where its headquarters is located, the procedure stipulated in Article 17 hereof shall apply.

Where a college/university is moved to another place outside the province where its headquarters is located, clause 1 Article 17 hereof shall apply.

Where a vocational school/vocational training center/enterprise is moved to another place outside the province where its headquarters is located, clause Article 17 hereof shall apply, and such applicant shall inform the Department of Labor, War Invalids and Social Affairs that issued the registration certificate in writing.

c) For those prescribed in clauses 8 Article 18 hereof, the procedure for registration for additional vocational education activities are as follows:

Vocational education institutions and vocational training facilities shall submit applications to the competent authority that has the power to issue the registration certificate as stipulated in Article 16 hereof (hereinafter referred to as “registration certificate issuer”).

Within 05 working days from the date of receipt of a valid application, the registration certificate issuer shall consider issuing a certificate of registration for additional vocational education activities to the applicant. In case of rejection, the issuer, within 02 working days, shall inform the applicant in writing which specifies reasons for rejection.

d) For those prescribed in clause 9 Article 8 hereof:

Vocational education institutions and vocational training facilities shall submit applications to the registration certificate issuer under Article 16 hereof.

Within 10 working days from the date of receipt of a valid application, the registration certificate issuer shall consider ceasing admission or issuing a certificate of registration for additional vocational education activities to the vocational education institution/vocational training facilities. In case of rejection, the issuer, within 05 working days, shall inform the applicant in writing which specifies reasons for rejection.

2. Requirements and the power to issue certificates of registration for additional vocational education activities are stipulated in Article 14 and 16 hereof.

3. An application form shall be made using Annex VIII attached hereto;

### **Section 3. SUSPENSION OF VOCATIONAL EDUCATION, REVOCATION OF REGISTRATION CERTIFICATES**

## **Article 21. Procedure for suspension of vocational education**

1. The registration certificate issuer shall carry out inspection to assess the seriousness of violations stipulated in clause 1 Article 20 of the Law on Vocational Education committed by vocational education institutions and vocational training facilities under Article 16 hereof.

2. According to the seriousness of a violation, the registration certificate issuer shall consider making a decision on suspension of vocational education (hereinafter referred to as “suspension decision”).

A suspension decision shall specify reasons for suspension, duration of suspension and approaches to protect lawful interests of students, teachers, lecturers, officers, staff and employees. Suspension decisions shall be informed to relevant agencies for cooperation in implementation and shall be made publicly on means of mass media.

After the suspension period, if mistakes leading to suspension are already corrected, the competent authority that made the suspension decision shall give permission to continue to provide vocational education.

## **Article 22. Revocation of registration certificates**

1. A vocational education institution or vocational training facility shall have its registration certificate withdrawn if it:

- a) commits fraud acts for the purpose of obtaining the registration certificate;
- b) seriously offends regulations on operation in vocational education;
- c) fails to correct mistakes causing suspension in the suspension period;
- d) faces an administrative penalty for violation against regulations of laws on vocational education under which the registration certificate is revoked;
- dd) dissolves under regulations of laws;
- e) Other cases under regulations of laws.

2. The issuer of registration certificate prescribed in Article 16 hereof has the right to revoke that registration certificate according to the following procedure:

a) The issuer shall examine and assess the seriousness of violations and determine reasons for revocation of registration certificate;

b) Within 10 working days from the date of receipt of the results of examination and assessment of seriousness of violation and reasons for revocation, the registration certificate issuer

prescribed in Article 15 hereof shall issue a decision on revocation and inform this decision to relevant authorities, and make it publicly available on the website of the competent authority in charge of revocation.

c) Within 05 working days from the date of receipt of a decision on revocation of registration certificate, the vocational education institution, vocation training facility shall submit their existing registration certificate to the competent authority in charge of revocation as soon as the revocation decision takes effect.

## **Chapter IV**

### **IMPLEMENTATION**

#### **Article 23. Transitional provisions**

1. Entities that submitted applications for establishment or permission to establish vocational training facilities, vocational schools and colleges to the competent authorities under the Law No. 76/2006/QH11 on Vocational training, Law on Education No.38/2005/QH11 which are amended under the Law No.44/2009/QH12 and Law on Education No.08/2012/QH13, respectively, shall complete and re-submit their applications for establishment/permission to establish vocational education institutions under provisions hereof to the competent authority.

2. Vocational training facilities, vocational schools, colleges, universities and enterprises that submitted applications for registration for provision of vocational education, applications for additional vocational education activities or applications for delivery of vocational intermediate level or college-level education and training to the competent authorities under the Law on Vocational Training No.76/2006/QH11, Law on Education No. 38/2005/QH11 which are amended and supplemented by the Law No.44/2009/QH12 and Law on Higher Education No.08/2012/QH13, respectively, shall complete and submit their application for certificate of registration for vocational education under provisions hereof.

3. Where the name of the assisting authorities that assists the Minister of Labor, War Invalids and Social Affairs in State management of vocational education (General Directorate of Vocational Training) is changed, the new name shall apply.

#### **Article 24. Implementation organizations**

1. The Ministry of Labor, War Invalids and Social Affairs performing as the State management authority in vocational education training shall:

a) Set out a teachers' standard and criteria for delivering vocational education, standards of facilities of professional intermediate schools or vocational schools; nomenclatures and standards on essential teaching and training equipments according to training majors, professions and levels; regulations on procedures for compilation, assessment and introduction of training curricula;

b) Make decisions on establishment and permission for establishment, total division, partial division, merger, dissolution and renaming of colleges; decisions on establishment, grant of permission for establishment and shutdown of departments of colleges under provisions hereof;

c) Examine and inspect the compliance with requirements for investment and operation in vocational education, deal with violations against provisions hereof and relevant legislative documents.

2. Every regulatory authority of socio-political organizations shall:

Give directives, examine and submit consolidated reports on compliance with regulations on requirements for investment and operation in vocational education within the administration to the General Directorate of Vocational Training.

3. The General Directorate of Vocational Training shall:

a) Take delivery of applications for establishment/permission for establishment, total division, partial division, merger, dissolution and renaming of colleges; applications for establishment and permission for establishment and shutdown of branches of colleges; conduct registration procedure for provision of vocational education of colleges and universities under provisions hereof;

b) Examine and inspect the compliance with requirements for investment and operation in vocational education by vocational education institutions and vocational training facilities, deal with violations against provisions hereof and relevant legislative documents.

4. Every People's Committee of provinces shall:

a) Make decisions on establishment and permission for establishment, total division, partial division, merger, dissolution and renaming of public vocational training centers and public vocational schools affiliated to the People's Committee of the province, private vocational training centers and private vocational schools in the province under provisions hereof;

b) Direct the Departments of Labor, War Invalids and Social Affairs, functional authorities affiliated to People's Committee of the province to examine and inspect the compliance with requirements for investment and operation in vocational education, deal with violations against provisions hereof and relevant legislative documents.

5. Every Department of Labor, War Invalids and Social Affairs shall:

a) Take delivery of applications for establishment/permission for establishment, total division, partial division, merger, dissolution and renaming of public vocational training centers and public vocational schools under the management of the provincial government, private vocational training centers and private vocational schools in the province under provisions hereof; take delivery of applications for establishment/permission for establishment or shutdown of branches of public vocational schools under the management of the provincial government

and private vocational schools within the province; conduct the registration procedures for vocational education within the jurisdiction stipulated hereof;

b) Examine and inspect the compliance with requirements for investment and operation in vocational education, deal with violations against provisions hereof and relevant legislative documents committed by vocational education institution and vocational training facilities.

c) Submit consolidated reports on compliance with regulations on requirements for investment and operation in vocational education within the administration to the General Directorate of Vocational Training every 06 month and annually.

6. Every vocational education institution and vocational training facility shall:

a) Apply for provision vocational education under provisions hereof within 36 months from the effective date of the decision on establishment or permission to establish vocational schools and colleges; and within 24 months from the effective date of the decision on establishment or permission to establish for vocational training facilities;

b) Within 24 months from the date on which the certificate of registration for provision of vocational education is issued, the vocational education institutions shall provide vocational training activities according to the certificate of registration issued by the competent authority under provisions hereof;

c) In case of any change in contents of the registration certificate, an application for additional vocational education activities shall be submitted to the competent authority under provisions hereof;

d) Publish registration certificates and certificates of additional vocational education activities issued by the competent authority on means of mass media.

## **Article 25. Entry into force**

1. This Decree enters into force from October 14, 2016.

2. The following legislative documents shall be abrogated from the effective date of this Decree:

a) Circular No.24/2011/TT-BLDTBXH on establishment, permission to establish, divide, merge and dissolve vocational colleges, vocational intermediate schools and vocational training centers dated September 21, 2011 by the Minister of Labor, War Invalids and Social Affairs

b) Circular No.29/2011/TT-BLDTBXH on registration for vocational training dated October 24, 2011 by the Minister of Labor, War Invalids and Social Affairs;

c) Circular No.25/2015/TT-BLDTBXH on registration for provision of vocational training, issue and revocation of certificate of registration for provision of vocational training and suspension of



basic vocational training dated July 13, 2015 by the Minister of Labor, War Invalids and Social Affairs.

3. Articles 7 and 8 of colleges' charter issued together with the Circular No.01/2015/TT-BGDDT on college charter dated January 15, 2015 by the Minister of Education and Training is abrogated.

4. Chapter II and Article 30 of the vocational intermediate school's charter issued together with the Circular No.54/2011/TT-BGDDT on vocational intermediate school's charter dated November 15, 2011 by the Minister of Education and Training are abrogated.

5. Regulations on requirements and procedures for establishment, merger, total division, partial division, suspension and dissolution of colleges governed by the Circular No.14/2009/TT-BGDDT on college charter dated May 28, 2009 by the Minister of Education and Training; Article 1 of Circular No.43/2011/TT-BGDDT dated October 04, 2011 on amendments to a number of Articles of the Circular No.14/2009/TT-BGDDT and Decision No.37/2000/QD-BGD&DT dated August 29, 2000 on issuance of community college temporary statues are abrogated.

6. The phrase "phân hiệu (branch)" in clause 3 Article 3 Circular No.57/2015/TT-BLDTBXH on vocational center charter dated December 23, 2015 by the Minister of Labor, War Invalids and Social Affairs are removed.

7. Regulations on college and university levels; Article 3; point b clause 3 and point b clause 5 Article 6 of Circular No.08/2011/TT-BGDDT on requirements, application and procedures for provision of training, suspension and revocation of decision on approval for provision of college and university training dated February 17, 2011 by the Minister of Education and Training are abrogated.

#### **Article 26. Implementation**

Ministers, Heads of ministerial-level agencies, heads of Governmental agencies, presidents of People's Committees of provinces and direct-controlled municipality and relevant agencies shall be responsible for the implementation of this Decree. /.

**ON BEHALF OF GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

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